

Maxine Evans

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

SOLOMAN OLUDAMISI AJIBADE and)	
ADENIKE HANNAH AJIBADE, as)	
natural parents of Mathew)	
Ajibade, and THE ESTATE OF)	
MATHEW AJIBADE and CHRIS)	
OLADAPO, its Executor,)	
)	
Plaintiffs,)	
)	
vs.)	CIVIL ACTION NO.
)	
JOHN WILCHER, in his official)	4:16-CV-82-WTM-GRS
capacity as Chatham County)	
Sheriff, et al.,)	
)	
)	
Defendants.)	

VIDEOTAPED DEPOSITION OF

MAXINE EVANS

September 19, 2016

2:03 p.m.

218 West State Street

Savannah, Georgia

Annette Pacheco, RPR, RMR, CCR-B-2153

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14 Exhibit 1 Chatham County Sheriff's Office
Employee Statement of Incident 133

15

16

17 (Original Exhibit 1 has been attached to the
original transcript.)

18

19

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1 (Reporter disclosure made pursuant to Article 10.B.
2 of the Rules and Regulations of the Board of Court
3 Reporting of the Judicial Council of Georgia.)

4 THE VIDEOGRAPHER: Okay. We're on video.
5 My name's Dave Liebhauser. I'm videographer for
6 Golkow Technologies. Today's date is September
7 19th, 2016, and the time on the monitor is 1403.
8 This video is being taken in Savannah, Georgia
9 in the matter of Ajibade versus Wilcher, et al.
10 for the U.S. District Court, Southern District
11 of Savannah -- Southern District of Georgia,
12 Savannah Division.

13 The deponent is Maxine Evans. The court
14 reporter is Annette Pacheco who will now swear
15 the witness in.

16 MAXINE EVANS,
17 having been first duly sworn, was examined and
18 testified as follows:

19 EXAMINATION

20 BY MR. O'MARA:

21 Q. Good afternoon, ma'am. State your name,
22 please.

23 A. Maxine Evans.

24 Q. And your address.

25 A. 7225 Grant Street, Savannah, Georgia

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1 31406.

2 Q. I'm sorry. The name of the street?

3 A. Grant, G-r-a-n-t.

4 Q. And are you working presently?

5 A. No.

6 Q. When's the last time you worked?

7 A. I believe -- I had like a, it was like a
8 part, little part-time job, but it was cleaning
9 office buildings.

10 Q. Okay. Of course, you know why I'm here;
11 right?

12 A. Yes.

13 Q. I'm representing the estate of Mathew
14 Ajibade along with co-counsel. And, of course, your
15 name came to us in discovery, so I want to ask you
16 some questions about that. Okay?

17 A. Yes.

18 Q. I understand you have your attorney here
19 with you?

20 A. Yes.

21 Q. As we go through this, a couple of sort of
22 ground rules. One, you were placed under oath so
23 it's because we're going to presume obviously that
24 you're going to tell the truth. More importantly
25 that we can rely on the evidence in the future.

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1 So if you have questions about my
2 questions, feel free to let me know. I will tell
3 you, as I'm sure Mr. Phillips has, that discovery's
4 pretty wide open in these cases, so I can ask almost
5 anything. The only rights you have to not answer
6 questions is if there's privilege issues that will
7 protect you. For example, if I said to you what did
8 Mr. Phillips say to you about this case, that's a
9 protected conversation. We can never get to that
10 attorney/client privilege. There are a few others
11 but for the most part, you'll be required to answer
12 the questions as I pose them. But I do want to make
13 sure that you understand them. Okay?

14 A. Okay.

15 Q. So feel free to stop me. You'll also
16 notice that, as many lawyers, I have the disease
17 where I start asking run-on questions. If it lasts
18 more than about 30 seconds for you to ask a question,
19 I'm probably running on. So stop me. We'll rephrase
20 it. We'll get it to a point where I want you to be
21 able to answer it. Okay?

22 A. Okay.

23 Q. Also, if you want to take a break during
24 it, this is not a marathon session. I'm hoping to
25 have it done by 5:00. We'll see how it goes. Water,

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1 sugar, coffee, whatever you might need's over there.

2 Okay?

3 A. Okay.

4 Q. I understand, of course, that you were a
5 corrections officer with Chatham County?

6 A. Yes.

7 Q. Do me a favor. Let's back it up then in
8 time and tell me your first year as a law enforcement
9 officer or corrections officer.

10 A. 2000.

11 Q. All right.

12 A. April 2000.

13 Q. And I believe before that you were in the
14 military?

15 A. Yes.

16 Q. So in 2 000, tell me what brought you to
17 go into law enforcement. When I call it law
18 enforcement, that's my term.

19 A. Right.

20 Q. But law enforcement officer, sort of a
21 side or a subcategory of corrections officer.

22 A. Same thing.

23 Q. What brought you into being in law
24 enforcement?

25 A. Well, when I retired from the military, I

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1 wanted to -- since I retired here in Savannah,
2 Georgia, I felt like I wanted to serve the community
3 that I was going to reside in. So that's why I
4 became a corrections officer.

5 Q. All right. And what you --

6 A. Or a deputy.

7 Q. I'm sorry.

8 A. I said or a deputy.

9 Q. Okay. And, oh, a couple other ground
10 rules I forgot. We need to be careful of a couple
11 things. Talking over each other a little bit. Just
12 because I'll be asking a question and sometimes I'll
13 have more to it.

14 Also, it's very easy for us in normal
15 conversation for you to know exactly what I'm asking
16 already and want to answer it. I do it all the time.
17 We need to be careful because the court reporter can
18 only get that down.

19 And the other thing that I do all the time
20 is this. And she knows that I mean yes. The record
21 says maybe lawyer nodded head without giving any
22 verbal indication of what in God's name he was
23 talking about. So we have to be careful of all that.
24 Okay?

25 A. Okay.

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1 Q. All right. So what training did you go
2 through to become law enforcement?

3 A. They sent me to school called BJOT. Basic
4 jailer's officer's training.

5 Q. And where was that?

6 A. It was held at Brunswick.

7 Q. All right. How long of a program was it?

8 A. Probably six, maybe eight weeks.

9 Q. Forty hours a week?

10 A. Yes.

11 Q. Did you stay there like overnight? Did
12 they have classes at night?

13 A. No.

14 Q. All right.

15 A. Sorry.

16 Q. That's all right. Any concerns that you
17 may have had with passing that course?

18 A. Not other than passing.

19 Q. Right. Okay. So you didn't have to take
20 it a second time?

21 A. No.

22 Q. Or redo testing or do anything like that?

23 A. No.

24 Q. And what type of certificate, if any, did
25 you get once you passed?

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1 A. You get a basic jailer's certification.
2 You get certification certificate.

3 Q. Uh-huh. Okay. And do you recall when it
4 was that you took the BJOT course?

5 A. I started in April 2000 and I completed
6 it, I believe, in June, maybe April. Yeah, about
7 beginning of June.

8 Q. Okay.

9 A. April or June somewhere.

10 THE COURT REPORTER: I'm sorry.

11 THE WITNESS: April or June somewhere
12 thereabouts.

13 Q. (By Mr. O'Mara) Okay. And once you had
14 that certificate, what did you do with it?

15 A. I took it home and put it up.

16 Q. Yeah. I mean, sort of once, once you now
17 had a BJOT certificate, did you look for employment
18 in law enforcement?

19 A. The county sent me to the school.

20 Q. Okay.

21 A. So I was already employed.

22 Q. All right. And once you had your
23 certification, did you begin to work at Chatham
24 County?

25 A. Yes.

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1 Q. Did you work anywhere else in between --

2 A. No.

3 Q. -- getting your certificate and going
4 right to Chatham County?

5 A. No.

6 Q. Okay.

7 MR. PHILLIPS: I think she's saying she
8 was employed first.

9 MR. O'MARA: Right.

10 MR. PHILLIPS: And then they sent her.

11 THE WITNESS: Right.

12 Q. (By Mr. O'Mara) I just want to make sure
13 that we're not missing any steps along the way.

14 A. All right.

15 Q. So then tell me what your initial job
16 duties entailed as a jailer or corrections officer
17 with Chatham.

18 A. A basic jailer, you make sure -- you're --
19 it's the same as security of the detainees that were
20 there. It's part of staff.

21 Q. All right. And was it part of the BJOT
22 training that you would learn about the policies and
23 procedures at Chatham or was that learned once you
24 got there after you received your certificate?

25 A. It was all inclusive.

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1 Q. All right.

2 A. When you go to BJOT, they teach you how to
3 become a corrections officer. And then the jail's
4 training teaches us about the policies and
5 procedures.

6 Q. Okay. So and the BJOT training, there are
7 certain basic principles, correct, that you learn?
8 Would that be accurate?

9 A. Yes.

10 Q. All right. I mean, you learn how to
11 become, like you say, a jailer. I sort of call them
12 corrections officers. You learn --

13 A. How to basically deal with the detainees.

14 Q. Okay. Tell me some of what you can
15 recall. I know we're going back 16 years, but
16 just -- and I'm not going to grade you on this one,
17 but just tell me what you recall the high points
18 being from how to be a good corrections officer, from
19 what you learned at BJOT.

20 A. Well, first of all, I mean, you've got to
21 respect, even though he's a detainee, you respect
22 them and they'll respect you. You treat them with --
23 you treat them like they're human. I mean -- and if
24 they have any concerns, you'll address their
25 concerns. And if it's a concern that you can't

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1 answer, then you forward it up the chain of command.

2 Q. Did BJOT give you instruction on the use
3 of force spectrum?

4 A. Not --

5 MR. PHILLIPS: If you don't remember, just
6 tell him that.

7 A. Yeah, I don't remember.

8 Q. (By Mr. O'Mara) Okay. So you don't recall
9 whether or not any initial training, before you got
10 your certificate, there was any training on use of
11 force?

12 A. Not that, not that I recall.

13 Q. Okay. Anything else that you can recall
14 specifically from the BJOT training?

15 A. I was just excited about becoming a
16 jailer, I mean, being an officer.

17 Q. Uh-huh. Did they teach you anything, for
18 example, crisis intervention training, anything about
19 how to handle --

20 A. Not at that time, no.

21 Q. Did they talk to you at all about how to
22 handle mental health patients?

23 A. Not at that time, no.

24 Q. Okay. So now we get the certificate.
25 You're now a corrections officer. Tell me what

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1 training you were given on the policies and
2 procedures within Chatham County.

3 A. Within the policy and procedures of
4 Chatham County, they train us the CPR, firearms. We
5 have some mental health training, but it wasn't like
6 extensive like when you go through a, the crisis
7 intervention course.

8 Q. Okay. Let's break that down a little bit.
9 When you say "firearms," you mean the actual firearms
10 training?

11 A. How to carry a firearm, how to shoot, you
12 know, shoot it, safety of using it, holding it.

13 Q. Okay. Generally speaking, there are no
14 firearms active or available within the jail facility
15 during normal business hours; is that correct?

16 A. Right. Not inside, no.

17 Q. Okay. So in addition to firearms, any
18 additional training? I'm leaving BJOT behind. So if
19 our conversation reminds you of something that you
20 learned in BJOT, let me know. Just tell me that's
21 where -- because if not, I'm going to presume that
22 everything we talked about from this point forward is
23 what you learned on site or with every training we'll
24 talk about at Chatham County. Can we have that as a
25 premise?

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1 A. (Nods head affirmatively.)

2 Q. All right. So you learned about firearms.
3 What other weapon systems did you learn about at
4 Chatham County?

5 A. Mace. Well, we call it mace, but pepper
6 spray.

7 Q. Okay.

8 A. The baton.

9 Q. Anything else?

10 A. Pepper spray. Baton. That's it.

11 Q. Okay.

12 A. That I can recall.

13 Q. All right. And how was that taught to
14 you? Was that -- and I'll give you an example. Was
15 that read this book on it? Was that training classes
16 inside the facility, outside the facility? Sort of
17 fill me in on that.

18 A. When we have -- how to use the baton, it
19 was a physical you go in and you sit in the class.
20 You have the paper portion and then you have the
21 actual hands-on portion.

22 Q. Okay. So that was on the baton?

23 A. That's on the baton. Same thing with the
24 pepper spray. You have the classroom setting and
25 then they'll take you out and actually, you know, let

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1 you see what it feels like to be sprayed with pepper
2 spray.

3 Q. Okay. Ever get any training on Tasers?

4 A. Not the actual Taser because it was two
5 Tasers. The first Taser I didn't get training on.
6 But when they were switching over to the newer Taser,
7 Taser, I can't remember, recall the model of it, but
8 I received that training.

9 Q. Okay. And tell me about that training.

10 A. It was a classroom setting-type of
11 training.

12 Q. Do you recall who taught it?

13 A. I think he's Sergeant Murphy now.

14 Q. All right. Just so I'm clear, how many
15 years ago are we talking about with the upgraded
16 Taser training that you went to?

17 A. I'd say as recently as 20 maybe '14.

18 Q. All right. Not long before this incident
19 happened?

20 A. Right.

21 Q. It happened at the end of 2014?

22 A. Right.

23 Q. How long a class was that?

24 A. I can't recall. I mean, I know it was
25 more -- it might, might have been a day.

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1 Q. Okay.

2 A. Day or two.

3 Q. You mentioned crisis intervention
4 training. Tell me about that.

5 A. The department was sending officers to a
6 crisis intervention training class which was being
7 taught, I think it was by Savannah Metro PD.

8 Q. Okay.

9 A. And it was held over at Savannah Technical
10 College.

11 Q. And did you go to that?

12 A. Yes, I did.

13 Q. How long was it?

14 A. How long was the class or --

15 Q. The class.

16 A. It was a week.

17 Q. About 40 hours?

18 A. Yes.

19 Q. What did you learn?

20 A. I, I learned a lot. How to actually deal
21 with mentally ill individuals.

22 Q. Tell me --

23 A. How to talk to them, how to approach them,
24 how to recognize if something is wrong and just how
25 to communicate with them.

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1 Q. Tell me a bit more about what you learned
2 from CIT as to how to identify those who might be
3 mentally ill or have mental health concerns.

4 A. Well, you have -- what I learned is that
5 you need to assesses them first to see what's
6 creating or causing the problem the way that they're
7 acting.

8 Q. Okay.

9 A. And you kind of like try to talk to them
10 and either try to calm them down and get them to, you
11 know, a point where if he needs help, you can get
12 help for him.

13 Q. Did they -- tell me what they trained you
14 about how to assess or how to look or what elements
15 or indicators would they give you to try and identify
16 somebody who had a mental health concern.

17 A. Repeat that, please.

18 Q. Sure. That was my first lawyer, my lawyer
19 question. What did they tell you about what to look
20 for when trying to figure out when somebody's got a
21 mental health concern?

22 A. Are we saying symptoms?

23 Q. Yes.

24 A. Okay. The way that they're acting,
25 basically. The way they're talking, be it ranting or

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1 walking, pacing. But that was it that I can recall.

2 Q. And if you had those indicators or those
3 symptoms, what were you to do about them in your CIT
4 training?

5 A. For my CIT training, I would try to talk
6 to them, communicate with them first to calm, to calm
7 them down.

8 Q. Okay.

9 A. And if that wasn't working, then I --
10 well, actually, I continued to just talk to them
11 until I can get them to calm down.

12 Q. Okay. And if they are inconsolable or
13 can't calm down, what other options are you trained
14 on?

15 A. To get help.

16 Q. And what do you mean by that?

17 A. Get someone that's medically, medically
18 able to do that.

19 Q. All right. And in Chatham County jail,
20 who would that be?

21 A. What?

22 Q. The person who would be able to help with,
23 you get them to help you?

24 A. A medical facility.

25 Q. Okay. And what does that consist of?

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1 A. If a doctor's there, the doctors, nurses.

2 Q. Any other training techniques, techniques
3 that you learned with the CIT training as to how to
4 interact with somebody who you now have the belief
5 had the mental health concerns? How you interact
6 with them? Any other training?

7 A. Repeat that again.

8 Q. Sure. Any other training that you
9 received in how to interact with a mentally ill
10 inmate?

11 A. When our training department has training
12 on the subject --

13 Q. Okay.

14 A. -- that's the training we have.

15 Q. Sure. We'll talk about that in a minute.
16 Right now I'm talking about the CIT training.

17 A. Right.

18 Q. Anything specific to the crisis
19 intervention training, the 40 hours that you took
20 over at the school? Anything else that you recall
21 from that training about how to handle somebody with
22 a mental health concern?

23 A. No, not that I recall.

24 Q. Did they give you any training or any
25 insight into whether or not they should be restrained

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1 or how to restrain them or anything like that?

2 A. Not that I recall.

3 Q. Okay. Anything else then from the CIT
4 training that we haven't talked about about how to
5 interact with somebody with a mental health concern?

6 A. Not that I recall.

7 Q. You said that there was other trainings
8 that you went through with Chatham County?

9 A. The baton training, firearms, CPR.

10 Q. Yeah. I meant -- I thought that you said
11 a moment ago that you had gotten some other trainings
12 while at Chatham County that had a hand on mental
13 health inmates?

14 A. When we would have -- when it was time for
15 us to like get our hours, the training department
16 would have, you know, set up a class on different
17 topics. And that's how we would --

18 Q. Tell me some of those topics.

19 A. They can range anywhere from CPR training
20 to --

21 Q. I'm sorry. Let me interrupt you. I want
22 to get really specific on this question to training
23 regarding how to handle inmates with mental health
24 concerns. Any additional training?

25 A. No. Just how to handle, how to deal with

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1 mental health individuals.

2 Q. I think you said that that was covered, in
3 part, in your CIT training?

4 A. CIT was a different class. That was an
5 outside source.

6 Q. Right.

7 A. When I'm thinking of the inside source, in
8 our training department, they also give us classes.
9 But they're not like the CIT training courses.

10 Q. Right. And that's what I want to talk to
11 you about, those additional courses or trainings that
12 you received while at Chatham County about how to
13 handle mental health inmates.

14 A. So you're asking me what Chatham County
15 taught me?

16 Q. Yes.

17 A. Okay. Basically it wasn't hands-on. It
18 was basically the instructor got up and put slides on
19 the board and we would just like take it all in.

20 Q. Well, tell me what you took in.

21 A. They would train us on -- what is it? I
22 can't think of it. Mental illness. I'm trying to
23 recall the video that they show. I'm drawing a
24 blank.

25 MR. PHILLIPS: Do you remember about the

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1 video from --

2 MR. O'MARA: Whoa, whoa, whoa, whoa.

3 That's okay. She doesn't remember, she doesn't
4 remember.

5 A. I can't recall the name of it. When an
6 individual has -- they're acting erratic and they
7 show -- the video shows how like when an individual
8 is acting erratic and, you know, how an officer would
9 talk to them and try to get them under control.

10 Q. (By Mr. O'Mara) Okay.

11 A. But I can't think of the name of the, what
12 they call it.

13 Q. All right. So one way that you learned
14 from Chatham County was how to try and -- my term,
15 but let me know if it's accurate or not -- sort of
16 talk them down?

17 A. Right.

18 Q. Okay. And then what else do you learn
19 besides that technique?

20 A. That was it basically. It's how to talk
21 to a mental, mental health individual.

22 Q. Okay. When did you receive that training?

23 A. That was a, like an annual training. They
24 have it every year.

25 Q. So since 2000 or thereabouts, you would

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1 have been to 15, 14 of them, 13 of them?

2 A. Correct.

3 Q. Every year?

4 A. Thereabout, yes.

5 Q. All right. Do you remember the name of
6 the training?

7 A. No.

8 Q. And I think you made mention already, but
9 who would be training you on that? What person?

10 A. No. I don't know. It ranged from when
11 Sergeant Steve Darnsteadt, when he was there.

12 Q. Steve, I'm sorry?

13 A. Steve Darnsteadt. Steve was a training
14 instructor. Sherry Rogers, when she was there, she
15 was training instructor. Who else? Holmes,
16 Nathaniel Holmes. Who else?

17 Q. So then anybody else?

18 A. Not that I can remember.

19 Q. From those trainings, the '13, '14,
20 whatever it was, annual trainings, what else were you
21 taught besides how to talk them down?

22 A. What else? That was it. I mean,
23 basically like you just watch the video and they --
24 the instructor did most of the talking, and it would
25 ask us some questions and, you know, other officers

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1 or someone would answer.

2 Q. So for these annual trainings, did you
3 have workbooks? Did you take tests?

4 A. No.

5 Q. Nothing?

6 A. (Shakes head negatively.)

7 Q. So was there any way that Chatham County
8 checked as to whether or not you learned what they
9 were teaching?

10 A. At the end of the class, we signed what
11 was called a C-12.

12 Q. And what's a C-12?

13 A. A roster as to who all was there and so
14 that you can get credit for your hours.

15 Q. Okay. My understanding is there was a CIT
16 training, you actually get sort of an additional
17 certificate --

18 A. Right.

19 Q. -- for CIT training.

20 A. Right.

21 Q. And you had received that?

22 A. Yes.

23 Q. Is there a required followup to maintain
24 that through Chatham County?

25 A. No.

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1 Q. Once you get it, you have it forever?

2 A. Yes.

3 Q. Similar question then for these other
4 trainings. Was there anything where once you
5 completed one of these training courses, that you
6 would get a certificate?

7 A. No. You just sign the C-12. You just get
8 training hours.

9 Q. Anything else you can remember from any of
10 those annual trainings regarding mental health
11 inmates? And we both know what we're talking about
12 when I talk about that category?

13 A. Right.

14 Q. People, inmates that you're in charge of
15 or interacting with that may have mental health
16 concerns?

17 A. Right.

18 Q. Is that okay as we're going through this?
19 You have to say yes.

20 A. Yes.

21 Q. You're doing great and I know sometimes it
22 sounds like a silly question, but I don't want to go
23 off on my definition of it if we're not enmeshed on
24 it. Okay?

25 A. Okay.

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1 Q. Any other high points or anything at all
2 that you can remember from that training at Chatham
3 County regarding how to help or handle mental health
4 inmates?

5 A. No.

6 Q. Anything that you learned outside of
7 Chatham County? Like did you go to any other
8 coursework yourself?

9 A. No.

10 Q. I know some people take courses at
11 community college or whatever. Any of that?

12 A. No.

13 Q. So all of your training regarding how to
14 handle mental health inmates then would have come
15 from the initial certification; correct?

16 A. Correct.

17 Q. Along with CIT, whatever was in there;
18 correct?

19 A. Correct.

20 Q. And these answer?

21 A. Correct.

22 Q. Anything else?

23 A. No.

24 Q. Did notice of your supervisors ever, you
25 know, get together with the, with you, with other

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1 people and go over any of the concerns they were
2 having with mental health patients? Like sit down
3 and say we have this problem and bring you up to
4 speed on it?

5 A. No.

6 Q. Did any of that sort of happen as a matter
7 of course or no?

8 A. I'm sorry?

9 Q. Would that happen as a matter of course or
10 just didn't happen?

11 A. Didn't happen.

12 Q. So getting away from just your training
13 for a second in that particular instance. So if you
14 just come on shift at 6 p.m. and there is a patient
15 or an inmate with a mental health concern, how would
16 that be communicated to you?

17 A. Through my supervisor.

18 Q. Okay.

19 A. My supervisor could brief everyone as to
20 who we have or who we're dealing with.

21 Q. Okay. I'm going to come back to that
22 because I want to put it in context --

23 A. Okay.

24 Q. -- of Matthew's case.

25 A. Okay.

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1 Q. But generally speaking, you would be
2 briefed concerning whatever inmates might be about to
3 be under your control?

4 A. Correct.

5 Q. And when you started with Chatham County
6 back in 2000, you were with them continuously;
7 correct?

8 A. Yes.

9 Q. Until your termination?

10 A. Correct.

11 Q. There was no time off for any reason. You
12 didn't leave and come back, did you?

13 A. No.

14 Q. All right. Let's sort of then go to what
15 brings us all here today. Obviously you were working
16 that day; correct?

17 A. Yes.

18 Q. And tell me when you got on duty.

19 A. I arrived that evening. We had a briefing
20 in our muster room. And the briefing, that's where
21 the watch commander briefs everyone that's coming on
22 shift of, you know, things that transpired throughout
23 the day.

24 Q. Okay. And what time do you have to get on
25 shift this day?

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1 A. Okay. Briefing was at 7:30 and I arrived
2 in my area to work around about 8:00.

3 Q. All right.

4 A. Between --

5 Q. Let's back up a little bit. When did your
6 shift start?

7 A. Once, once we're done with briefing --

8 Q. Okay.

9 A. -- and we arrive to your unit. I mean,
10 whatever unit you're assigned to.

11 Q. And what was your position?

12 A. I was the assistant supervisor.

13 Q. Does that have a rank with it?

14 A. Corporal, yes.

15 Q. Okay. And you're the Corporal always?

16 A. Right.

17 Q. Correct? And then sometimes you have
18 different roles. Were you -- you were then in the
19 role of assistant supervisor; is that accurate? Or
20 are you always an assistant supervisor back then as
21 well?

22 A. Always assistant supervisor.

23 Q. Okay. So tell me where that then fits you
24 in the hierarchy of those people at the jail. So you
25 come on -- go ahead. No, go ahead.

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1 A. I have a sergeant. She was my supervisor.
2 And then I fell under her. And the privates fell
3 under myself and the sergeant.

4 Q. Okay. And then above the sergeant would
5 be?

6 A. Lieutenant.

7 Q. All right. And this night, my
8 understanding was the lieutenant was the watch
9 commander; is that accurate?

10 A. Yes.

11 Q. Okay. Lieutenant Johnson?

12 A. Yes.

13 Q. What do you understand watch commander to
14 mean?

15 A. She, she or, he or she is in charge of the
16 entire facility.

17 Q. So when you came on duty that day,
18 whenever you got there, tell me about the briefing
19 that you had 7:30 or thereabouts.

20 A. I can't recall what was said or what was
21 going on, but I didn't recall -- I don't recall
22 anything being briefed about R and D, you know, as to
23 any situations or things we needed to be talked
24 about.

25 Q. Well, tell me generally then what is the

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1 briefing supposed to cover.

2 A. From my understanding, a briefing
3 generally tells us the actions or whatever transpired
4 throughout the jail through that day. Like if a
5 detainee broke something or there was a fight,
6 someone went to the hole for something, that's
7 basically how we were briefed. And whatever unit --
8 they would go by units. In unit, whatever unit had a
9 situation, they would brief us on the situation of
10 each unit.

11 Q. Okay. And in addition to this being
12 communicated to you verbally just talked about at the
13 briefing, where else is everything kept?

14 A. Where's the information kept?

15 Q. Yes.

16 A. Okay. When you say "kept," what --

17 Q. Well, we know that there are several
18 different, I understand -- and fill me in and correct
19 me where I'm wrong -- that there are several
20 different information systems in the jail for
21 information to be kept. One is Share Point. One is
22 Phoenix. There may be another one where you can go
23 and get information.

24 So I'm just curious if you had an event,
25 let's just say Unit 2 inmates being highly disruptive

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1 or whatever.

2 A. Uh-huh.

3 Q. You go to the briefing and you hear that.
4 But where else is that information kept?

5 A. Line staff wasn't privileged to that, to
6 basically get on the computer and see what the watch
7 commander, the notes the watch commander had.
8 Whatever the watch commander tells us during
9 briefing, that's what we, we went with. When we go
10 to our unit or where you're assigned to, then the
11 sergeant would get briefed again from the off-going
12 sergeant as to what transpired in that area. And
13 then the sergeant would disseminate it down if it
14 needed to be disseminated down.

15 Q. Just so I'm clear, are you saying that as
16 the corporal, you put yourself in line staff where
17 you say line staff? Is that corporal? Is that you?

18 A. Basic -- yes.

19 Q. So is it your understanding that you
20 didn't have access to certain information that your
21 supervisors or superiors did have access to?

22 A. The Share Point system, at one point, I
23 guess they could go on and read the notes from the
24 watch commander or whatever happened. But they --
25 the -- what's it called? -- the department that runs

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1 the computers or whatever, they block that from us
2 having that access.

3 Q. When did that happen?

4 A. I can't recall when it happened.

5 Q. In the time line with Matthew's death,
6 obviously it would have been before that?

7 A. Right.

8 Q. Was it well before that? A year before
9 that? A decade before that?

10 A. Not a decade. I'd say maybe it could have
11 been, it could have been about a year, a year or two.

12 Q. And do you have any understanding why that
13 happened?

14 A. No.

15 Q. Nothing whatsoever as to why information
16 that was available to you in the past was now not
17 available?

18 A. From my understanding or from what I, and
19 I'm going from hearsay, that officers were looking
20 at, at the watch commander notes and whatever. And
21 they were sharing it with other people that didn't
22 have a need to know. That was my understanding.

23 Q. Okay. All right. Did you hear any
24 specific examples of that? It sounded like this is a
25 bit of a jail rumor mill that's going on as to how it

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1 was cut off; is that accurate?

2 A. Right.

3 Q. I don't want to use my term.

4 A. No, you're right.

5 Q. I'm just hearing what you're saying. So
6 any specific incidents that you're aware of as to
7 information that was taken off Share Point and shared
8 inappropriately?

9 A. No, not that I can recall.

10 Q. Anybody who you know who was disciplined
11 for that?

12 A. Not that I can recall.

13 Q. Do you think was that a year, maybe two --

14 A. Could have been.

15 Q. -- before Matthew's passing that this
16 shift came in information flow?

17 A. Yes.

18 Q. Okay. So we sort of went off on a bit of
19 a tangent there about the information, but -- so when
20 you are done with a briefing at 7:30 or now you're
21 going to your shift --

22 A. Uh-huh.

23 Q. -- is there any other place that that
24 information is kept besides verbally being
25 communicated to you during the briefing?

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1 A. The watch commander had the logbook and I
2 think it's on the computer.

3 Q. Okay. Let's try and -- I want to delve
4 into that a little bit because we've heard a lot of
5 testimony about logbook. What is that in your
6 definition?

7 A. The logbook is, it's a green logbook. It
8 was a green book. I don't want to -- like ledger.

9 Q. Okay.

10 A. And everything that's happened in that
11 ledger, everything that's written in that ledger are
12 incidents or whatever transpired throughout the jail.
13 But then they went to the computer and then they took
14 away, did away with the book and everything got put
15 in the computer.

16 Q. Okay. So on this day of Matthew's
17 passing, was there the green ledger logbook? Did it
18 still exist then?

19 A. I didn't see the -- I don't recall the
20 watch commander coming in with a logbook.

21 Q. I mean, just generally. Are we talking
22 about the end of January of 2014? I'm trying to get
23 a feel for when, based on your testimony, when we
24 moved or the jail moved from this logbook to their
25 computer.

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1 A. Okay. The watch commander's area and my
2 area are two different areas. Whatever the watch
3 commander does, I don't -- I didn't get involved in.
4 So I can't say what happened or when the turnover or
5 transition happened. I just stayed in my area which
6 was being a corporal and working in R and D.

7 Q. But you understood my question? I'm
8 trying to find out when, from your awareness, this
9 written logbook went away?

10 A. No. I don't know when it went away. I
11 just heard that everything was being put into Share
12 Point. When the, when the computer people was
13 upgrading the systems and doing everything,
14 everything was going to turn over to Share Point.

15 Q. Okay. And did you have any access to
16 Share Point?

17 A. Yes.

18 Q. Okay. But there was some -- and I'm just
19 trying to get a feel. Was there parts of the Share
20 Point database or information that you could not get
21 to?

22 A. Right. Yes. I couldn't get to.

23 Q. Okay. And what could you get to or what
24 could you not get to?

25 A. I could have access to writing reports,

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1 sending the reports to my supervisor so she can go
2 over them, read them, and I can sign them. Basically
3 that was it. Jail forms.

4 Q. And what -- go ahead.

5 A. That, that -- basically jail forms and
6 writing reports.

7 Q. So what types of events were you then
8 required to write reports about?

9 A. Anything that was significant.

10 Q. Okay. So how do you define significant?

11 A. If I had a, an officer that was
12 disrespectful, it was called -- we would write him,
13 write him, write him up for that.

14 Q. Okay. And --

15 A. And if we had any fights, someone got ill,
16 you write a report to that.

17 Q. Okay. And are there any policies or
18 procedures in place that you're aware of in Chatham
19 County to help you decide what is a
20 significant-enough event to write a report about it?

21 A. Yes.

22 Q. And tell me about that.

23 A. It states in the policy if you -- if
24 there's an incident, write a report.

25 Q. Okay. And the incidents would include the

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1 ones that you just mentioned to me?

2 A. Yes.

3 Q. And how quickly is it your obligation then
4 to write those reports?

5 A. If you're not -- you should write it as
6 soon as you can. But if you're busy at that point,
7 you know, and you can't do it right away, make sure
8 it gets done before the end of your shift.

9 Q. So when these reports are put into Share
10 Point, do you then print out copies that go and get
11 distributed or does it all stay resident on the
12 computer program?

13 A. It stays in the computer program but you
14 print out the copy so you can have a signature on it.

15 Q. So if you have an incident report that you
16 fill out, would you fill it out on the computer?

17 A. Right.

18 Q. Not handwritten?

19 A. No.

20 Q. But then print it out to sign it?

21 A. Yes.

22 Q. And then what happens with those copies?

23 A. Once you print it out and you get -- I
24 would get my supervisor to sign it. She would take
25 it and she would read over it, correct it if it needs

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1 to be corrected. Give it back to me. I go back and
2 make my corrections. Reprint it out. Give it back
3 to her. She'll proofread it again. And once she has
4 it, she takes it to the unit lieutenant. And the
5 lieutenant will get it and forward it up chain of
6 command.

7 Q. Do you know from your own knowledge that
8 that information, that flow back up is also
9 identified on the Share Point? So that the
10 information is still maintained on Share Point as
11 well?

12 A. Yes.

13 Q. Okay. We talked a little bit ago, I
14 mentioned the, the term "Phoenix." What do you
15 understand that software to be?

16 A. Oh. Phoenix was when I first started
17 working at the jail. I never really did anything
18 with Phoenix.

19 Q. Do you know what it is?

20 A. If we're talking about the, the computer
21 program?

22 Q. Yes.

23 A. Yes. I mean, that's just what they called
24 it. Phoenix.

25 Q. What would it do or what would you do on

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1 it?

2 A. Phoenix was like an operating system.
3 When you open it up, you could pull up detainees and
4 just look at their information.

5 Q. Let me ask you this way: Was that
6 something where you would actually input information
7 into it or was it just for you to get information out
8 of or both?

9 A. Information out of, I believe, at that
10 time.

11 Q. All right. So this night you go in and
12 you have the briefing. You don't recall anything
13 mentioned about Mr. Ajibade; is that accurate?

14 A. Yes.

15 Q. So then tell me what you do after
16 briefing.

17 A. I went to my area. And my sergeant, she
18 went to the station where the --

19 Q. I'm sorry to interrupt you a little bit
20 just so we get it. We're trying to keep all the
21 names down right. So you know who your sergeant was.
22 We don't.

23 A. I'm sorry.

24 Q. That's okay. But as you go through it,
25 you're going to say lieutenant, you're going to say

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1 sergeant. I'm going to stop you.

2 A. Okay.

3 Q. So if you can just add names, that'll help
4 us?

5 A. All right. We arrived to R and D.
6 Sergeant Anza Rowland, she went to the supervisor's
7 station and she was briefed by or she was being
8 briefed by Corporal Broom at that time because he was
9 the supervisor for that offgoing shift. And while
10 they were being briefed, I came in.

11 And the other line staff, they go and meet
12 up with the other line, offgoing line staff so that
13 they can get an accountability as to how many
14 individuals were in R and D. I came in. I was told
15 by, I think, Corporal Broom at that time told me
16 that, he said that we had a lot of females that
17 needed to be dressed out. So I said okay. And then
18 he continued to brief Sergeant Rowland as to what was
19 going on.

20 I walked in so that I could get a count of
21 how many different females that needed to be dressed
22 out. And once I got my count, then I left the area
23 and went back into what is called a property room.

24 Q. Okay.

25 A. And then I get in the property room. And

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1 what that consists of is getting their jail uniforms,
2 underclothes. I get that, put those in stacks. That
3 way I can start changing out the females that's
4 there.

5 Q. Okay. Before that, though, you had some
6 awareness that Mr. Ajibade was in the jail; correct?

7 A. No.

8 Q. Nothing whatsoever?

9 A. No. I didn't even know he was there.

10 Q. Okay. So you go back and start working
11 with property and the uniforms?

12 A. Right.

13 Q. What happens next or what do you do next?

14 A. I started -- I come out. Once I got the
15 sets all together, maybe about five sets, I come out
16 and I get my first set of females. I take them back
17 and I started dressing them out.

18 Q. Okay. Then what happens?

19 A. And I continued to do so until that's when
20 I heard a call come over. It was like a real faint
21 call come over the radio. And then I stopped what I
22 was doing and I listened. And then I could hear one
23 of the officers say they were having, they were
24 having a 10-78.

25 Q. What does that mean to you?

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1 A. That means an officer needs assistance.

2 Q. Okay. And within the context of hearing a
3 10-78, what does that indicate to the officers that
4 hear it that they're supposed to do?

5 A. Come and assist the officer that needs
6 help.

7 Q. Okay. Is that sort of an all hands on
8 kind of call?

9 A. Yes. Yes.

10 Q. All right. And so what do you do in
11 response to the 10-78?

12 A. I bring the females that I had that were
13 being dressed out, I bring them out and I make -- and
14 secure them back into their cells. And then that's
15 when I go see what was going on where the 10-78 was
16 being called.

17 Q. And what do you see? What's the first
18 thing you see when you come on scene?

19 A. When I come on scene, I see
20 Officer Dennison, Capers, Richardson, I believe there
21 was another officer, they were all in the scuffle
22 with Mr. Ajibade. And then when I walk up to the,
23 walk up and see them, I see that it was enough
24 officers there to take care of him because I had
25 looked to the right, and that's when I saw

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1 Sergeant Rowland laying on the floor and she had
2 blood coming from her. So my instinct was to go and
3 try to move her away because the incident was, was so
4 in close proximity.

5 So my -- I went there to assist
6 Nurse Brown and removed her away from the incident
7 that was going on.

8 Q. Okay.

9 A. Scuffle that was going on.

10 Q. And up until that point, no prior contact
11 with Mr. Ajibade or any awareness of him?

12 A. Prior to that, while I was changing out
13 the females and I had brought a group out,
14 Private Richardson was in the prebooking area. He
15 was the officer doing the prebooking. And when I
16 came out, I went down to, I call it the U section.
17 And I sat down for a brief minute and Private Capers
18 was standing there. And Mr. Ajibade -- I was talking
19 to him about -- I said something to Capers about
20 something.

21 Anyway, he was, Mr. Ajibade was in the
22 cell adjacent to where I was sitting, and I could
23 hear him, you know, he was beating his shoes on the
24 bed. And after that, Mark, I mean Capers, he said
25 something to me.

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1 And so I said, "Well, I got to go back and
2 finish with these females." And then I got up. And
3 at that point -- when I got up and walked out, that
4 was it.

5 Q. Okay. No other conversation with
6 Mr. Ajibade or what --

7 A. No, I didn't talk to him at all.

8 Q. Okay.

9 A. Not Mr. Ajibade. I didn't talk to him. I
10 didn't say anything to him.

11 Q. Did you observe anything else that he had
12 done?

13 A. No.

14 Q. Did you hear him say anything?

15 A. No.

16 Q. Did you say anything to Capers about him?

17 A. I'm sorry?

18 Q. Did you say anything to Capers about him?

19 A. I don't recall. When he was making the
20 noise, I just, I looked toward the cell while Mark
21 was standing, leaning at the --

22 Q. When you say "Mark," you mean Capers?

23 A. I'm sorry.

24 Q. That's okay.

25 A. Capers was leaning on the, on the counter.

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1 And I don't know if I asked him who was that or -- I
2 can't recall if I asked him that or not.

3 Q. Okay. Was he making any facial maneuvers
4 or anything like that or anything that caught your
5 attention? I'm talking about Mr. Ajibade.

6 A. That caught my attention?

7 Q. Yes.

8 A. Not other than him beating his slides on
9 the bed.

10 Q. And by slides we're talking --

11 A. Shoes.

12 Q. Shoes.

13 A. Yeah, shoes.

14 Q. Okay. Anything else that caught your
15 attention or gave you any cause for concern?

16 A. No.

17 Q. Okay. So then you go back to doing what
18 you're doing?

19 A. Correct.

20 Q. Which was dealing with the females?

21 A. Yes.

22 Q. All right. Any other communication or
23 contact with Mr. Ajibade until the scuffle that you
24 testified about a moment ago? Anything in the middle
25 of that that we haven't talked about?

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1 A. Not dealing with him, no.

2 Q. Okay. Did you hear anything else about
3 him?

4 A. (Shakes head negatively.)

5 Q. You have to answer out loud.

6 A. Oh, I'm sorry. No.

7 Q. And then you come back for the 10-78?

8 A. Correct.

9 Q. And what do you do? I think you said you
10 attend to Sergeant Rowland. But take me up from that
11 point forward then.

12 A. From Sergeant Rowland?

13 Q. Yes, when you were tending to her.

14 A. I stayed with her the entire time until
15 she -- the ambulance or EMS came and picked her up
16 and took her out.

17 Q. And about how long was that?

18 A. As far as?

19 Q. Well, I mean --

20 A. Staying with her?

21 Q. Yes.

22 A. That lasted -- it could have been -- I'm
23 not sure. In between -- it could have been 30
24 minutes.

25 Q. Before EMS got there?

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1 A. Correct. Thereabout 20, 30 minutes.

2 Q. All right. And then what do you do after
3 the -- does EMS come at some point?

4 A. Yes. They come and they assess her and
5 they put her on the gurney and they take her out.
6 And then one of the officers was assigned by the
7 lieutenant that someone needs to go with her, and
8 that was Private Burke. He left and he, he left and
9 went with Sergeant Rowland.

10 Q. Who was with you there when you were with
11 Sergeant Rowland?

12 A. Gregory Brown, the nurse.

13 Q. Okay. Was he there for the -- how long
14 was he there?

15 A. He was there -- actually, when I came up,
16 he was already on scene with her. And I think he was
17 trying to either talk to her or see what was going
18 on. And I know when I came up and saw that he was
19 there, I immediately, too, went to her and he said
20 let's move her away from the, what, what was going
21 on, the scuffle with him. And so we moved her away
22 from that area, moved her behind the counter.

23 Q. My understanding, because, obviously,
24 there's some video of everything, and I think I know
25 the part you're talking about where you were maybe

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1 10-15 feet away from where the scuffle is going on.

2 Is that what you're talking about? When --

3 A. Yes.

4 Q. Okay. Now, follow me through from there.

5 You and Brown take role in where?

6 A. We moved her away from the scuffle. And I
7 wouldn't say 15 feet. I'd say, you know -- well, I
8 don't know. I'd have to measure it, but it was
9 pretty close proximity. And when we -- what we did,
10 he just -- we moved her behind a counter, in the same
11 area but --

12 Q. Okay.

13 A. -- behind a counter.

14 Q. And then did you stay with her
15 consistently until the EMT got there?

16 A. Yes.

17 Q. My understanding from other discovery was
18 that she was sitting in an area not far from the
19 Sally port entrance. Is that your memory or no?

20 A. She was sitting?

21 Q. Sitting or laying down. Where were you
22 waiting with her for EMS? I'll put it that way.

23 A. In the R and D area --

24 Q. Okay.

25 A. -- where we had moved her to the, behind

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1 the prebooking area counter.

2 Q. And was Nurse Brown with you?

3 A. Yes.

4 Q. And was he with you the whole time that
5 y'all were waiting for EMS?

6 A. Yes.

7 Q. Did he ever leave?

8 A. No.

9 Q. Okay. And who else was with you?

10 A. Lieutenant Johnson. She arrived -- she
11 was there on the scene.

12 Q. Okay. And did she also stay with you the
13 entire time until EMS arrived?

14 A. She was, she was there while Nurse Brown
15 was attending to her, and I was trying to keep her
16 calm. And she was standing, she was standing there.

17 Q. "She" being?

18 A. Lieutenant Johnson was standing there.

19 And Private Richardson, I recall, came back to her
20 and he stated that Mr. Ajibade wasn't -- he was still
21 acting up, in other words. He needed a Taser. And
22 that he was acting up. And then Lieutenant Johnson
23 said, "Really?" And then she left and went back with
24 him. And myself and Nurse Brown stayed with
25 Sergeant Rowland until EMS came.

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1 Then when EMS arrived on the scene, I
2 believe Lieutenant Johnson, she came back out to see
3 what, you know, what was going on with
4 Sergeant Rowland. And then she said, "Let's get an
5 officer to go out with her." And that was
6 Private Burke.

7 Q. Now, was Private Burke also in that group
8 sitting with Rowland to begin with?

9 A. No. Private Burke was in the area when
10 they moved Ajibade to the other area.

11 Q. Okay. All right. So Lieutenant comes
12 back out. They get Burke. And where do you go?

13 A. After Sergeant Rowland leaves and goes to
14 EMS, I tried to get some normalcy what was going on
15 because other outside agencies were bringing in
16 arrestees. And so what I was doing was trying to get
17 them situated as well. So I come back up to the
18 supervisor's area.

19 Q. Now, when you say "supervisor's area,"
20 we've seen a map of the facility and it's sort of a
21 booking sergeant desk?

22 A. Right.

23 Q. Is that what you're talking about?

24 A. Yes.

25 Q. And that's sort of -- if I'm walking

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1 through Sally port, the U area that you talked about,
2 and I'm walking through Sally port, I've got some
3 holdings cells on the right-hand side, the detox
4 cells on the left?

5 A. Right.

6 Q. And I'm walking, if I walk through that
7 open door, and that's right where the, what you call
8 supervisor's desk?

9 A. Correct.

10 Q. That's the booking sergeant's desk?

11 A. Correct.

12 Q. Same desk?

13 A. Right.

14 Q. Okay. So that's where you go?

15 A. Yes.

16 Q. All right. And what do you do in there?

17 A. I go back because, again, I had agencies
18 there that had arrestees in. Some of the officers,
19 when the scuffle broke out, we, they came in and they
20 immediately locked some of those arrestees down or in
21 cells so that there wouldn't be any more arrestees
22 while everything was going on.

23 So I come back to the supervisor's desk
24 and I start going, trying to take deep breaths and
25 calm myself down and say, okay, let's try to get some

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1 organization and order through what I had to do next.

2 Q. Which was what?

3 A. Start getting some of these arrestees
4 signed in and so that they can get -- so that the
5 arresting officers wouldn't have, you know, the line
6 wouldn't be so long for the arresting officers
7 waiting to get their paperwork so they can go back
8 out.

9 Q. From your memory -- well, from the time
10 the 10-78 was called to the time you showed up, about
11 how many minutes was that? Do you recall?

12 A. I can't recall.

13 Q. Was it like one or two or was it 10 or --
14 I'm just trying to get a feel.

15 A. From the time I heard the 10-78 and
16 arrived out in the area?

17 Q. Yeah.

18 A. I'd say probably no more than, you know,
19 no more than maybe five, maybe five or 10 minutes, if
20 that.

21 Q. Okay. Well, let's go back a little bit.
22 So when you hear the 10-78, you're dealing with some
23 of the female inmates?

24 A. Correct. Dressing them out.

25 Q. Okay. And how long did that take you to

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1 secure that or put them away or finish dressing them?

2 A. Well, at that particular time, the ones
3 that I had when I brought them, those out, I'd say
4 about --

5 Q. Let me ask you --

6 A. Yeah.

7 Q. If you had an answer, I was going to ask
8 you a different way.

9 A. Okay.

10 MR. PHILLIPS: Do you want any water?

11 THE WITNESS: Please.

12 MR. O'MARA: There's Coke, Sprite or
13 coffee.

14 THE WITNESS: Just water.

15 MR. O'MARA: Mr. Phillips, I was going to
16 keep going.

17 MR. PHILLIPS: Yeah, that's fine.

18 Q. (By Mr. O'Mara) Have you looked at the
19 tapes of the whole investigation that's sort of been
20 floating around?

21 A. What I saw is when GBI Agent
22 Cyrus Purdiman, when Cyrus Purdiman showed me a video
23 of what happened, and I saw it in court.

24 Q. Okay. Would you then defer to the
25 accuracy of the video as far as the time line of when

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1 the 10-78 went out and when you got there?

2 Let me ask it this way: At a certain
3 point, we can see you show up in the video.

4 A. Right.

5 Q. Correct? Was that -- when we see you show
6 up and the scuffle's still going on, that was the
7 first time you showed up; right?

8 A. Correct.

9 Q. You had not been in that area during the
10 scuffle before, had you?

11 A. Correct.

12 Q. Okay. So whenever the 10-78 was put out
13 until we see you in the video, that's the time it
14 takes?

15 A. Right.

16 Q. All right. And then -- so from your
17 understanding, how long did the, did it take from the
18 time the scuffle broke out until they had Matthew in
19 the cell?

20 A. Repeat it.

21 Q. Uh-huh. From the time the scuffle broke
22 out --

23 A. Right.

24 Q. -- which presumably was when the 10-78 was
25 called?

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1 A. Right.

2 Q. And that is an assumption by you, I guess,
3 because you didn't see it?

4 A. Right.

5 Q. But from the time the 10-78 was called
6 until he was put in the cell, how long do you think
7 that was?

8 A. I can only say however long the video is.

9 Q. Okay. No present memory of the time?

10 A. No.

11 Q. You would defer, of course, to the video?

12 A. Right.

13 Q. All right. Do you know how many of law
14 enforcement agencies brought arrestees in during
15 whatever that time was that it took for that scuffle
16 to turn into a -- to put him in the cell?

17 A. I can't recall, but it was quite a few.
18 Maybe -- it could have been like three, four, three
19 or four agencies. And that's including the state
20 troopers.

21 Q. Okay. All right. So now, you're now
22 dealing at, I think we're up to the point where
23 you're at the supervisor's station or the booking
24 sergeant's desk dealing with however number of those
25 were; is that accurate?

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1 A. Right.

2 Q. So then what happens next? What do you
3 next do?

4 A. I continue to try to get the arrestees
5 signed in. And then we have a system, it's called
6 the GCIC. Whereas if an officer's out on the street
7 and they probably pull somebody over, they do a check
8 on them. And if they get like a what we call a hit
9 or a warrant, it'll come through our system and the
10 light will go off. And once I get it, I have ten
11 minutes to answer that hit. And I have to leave that
12 area and go to another area of the jail, which is
13 called the warrant room, and go pull the warrant, if
14 they do have a warrant, and answer that hit. Come
15 back and then answer that hit.

16 Q. And is that one of the primary
17 responsibilities in the position you held that night?

18 A. Correct.

19 Q. And who else can do that?

20 A. The supervisor -- the only ones that can
21 get in the warrant room is supervisors.

22 Q. And who was that that night?

23 A. Sergeant Rowland was the supervisor. But
24 since she was not there and I had to go fill that
25 role, I became that person.

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1 Q. Okay. So you were -- at the point that
2 Sergeant Rowland is incapacitated pulling out of the
3 facility --

4 A. Right.

5 Q. -- what is that -- what position does that
6 put you into?

7 A. It puts me as being the supervisor.

8 Q. Of?

9 A. Of the shift.

10 Q. Okay. A particular area?

11 A. R and D.

12 Q. Okay. So are you now in charge of R and
13 D?

14 A. Correct.

15 Q. At this point.

16 A. Yes.

17 Q. Anybody else that you could have assigned
18 to handle the warrants issue?

19 A. No, because they can't, they can't go into
20 the warrant room. That warrant room only -- the only
21 people that had access to the warrant room, of
22 course, the watch commander, and R and D supervisors.

23 Q. Okay. When we say supervisors, were there
24 any other supervisors at R and D that night?

25 A. I was it.

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1 Q. Okay. And were there supervisors from any
2 of the other pods or sections that could have
3 assisted with warrant review?

4 A. From another unit?

5 Q. Yeah.

6 A. No.

7 Q. Why not?

8 A. That's the way it was set up. I don't --
9 if you didn't, if you didn't work in R and D, you
10 didn't have a need to go into the warrant room.

11 Q. So tell me about the policy that suggests
12 that a warrant should be responded to within ten
13 minutes?

14 A. To be honest, I haven't seen a policy.
15 All I was told that there -- when I started -- I came
16 to R and D in May of -- I hadn't been in R and D but
17 only five, maybe six months. And I was told that
18 when you, when we get a warrant, it has to be
19 answered. And when we get a hit, it has to be
20 answered within ten minutes.

21 Q. Okay. And what exceptions are there to
22 that rule?

23 A. None from what I was told.

24 Q. Okay. So as the supervisor there at R and
25 D, this night or any other night, how do you

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1 prioritize what needs to be addressed just generally?

2 A. Prioritizing, if I -- if I'm not -- if I
3 don't have to deal with getting a warrant or a hit,
4 try to get these officers in and back out.

5 Q. Okay. What else? And tell me how you
6 sort of -- in the situation that happened here with
7 Sergeant Rowland seemed to need medical attention?

8 A. Right.

9 Q. Would you prioritize that over looking for
10 a warrant?

11 A. Prioritize Sergeant Rowland over a
12 warrant?

13 Q. Sure.

14 A. No. Sergeant Rowland would be seen first.

15 Q. Okay.

16 A. And then after, whatever's -- whatever is
17 determined about her, then we go from there.

18 Q. Okay. I want to make sure that we
19 understand, that you understand the question.

20 A. Okay.

21 Q. So when -- if you had gotten a warrant
22 call during the moment that you saw Sergeant Rowland
23 on the floor, what would -- how would you prioritize
24 Sergeant Rowland compared to having to get the
25 warrant answered?

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1 A. I would ask for assistance because there
2 was only limited amount of people that could go in
3 the warrant room. So by the lieutenant being there,
4 Lieutenant Johnson being there, what I would do, I
5 would immediate let her, inform her that we have a
6 warrant, you know, we have a hit and Sergeant Rowland
7 needs to go.

8 I can go answer the warrant and, of
9 course, she being the lieutenant, she being stayed
10 there with Sergeant Rowland until she was out.

11 Q. Okay. So how often would you then handle
12 prioritized emergencies that come up when you have to
13 deal with a warrant?

14 A. If I'm dealing with the warrant, then the
15 next in line would be one of the privates would then
16 take care of whatever's going on until I return to my
17 area.

18 Q. Okay. Have you -- has it ever taken you
19 longer than ten minutes to respond to a warrant
20 request?

21 A. Not that I can recall.

22 Q. Okay. So you're answering -- how many of
23 those warrant requests do you remember having that
24 night?

25 A. I had two.

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1 Q. Okay. And from the time in to the time
2 you respond is, by your own definition, no more than
3 ten minutes?

4 A. Correct.

5 Q. Do you recall when they came in in
6 relation to everything else that was going on that
7 night?

8 A. Once Mr. Ajibade and everything was
9 cleared and they had him in the, I guess the holding
10 area, when I was at the sergeant's desk, that's when
11 I got my first warrant, the first hit. Because I was
12 trying to get the officers situated that was already
13 there, get them signed in. Then the light came on
14 and I went to go answer that hit.

15 Q. I'm sorry. Just not getting too far into
16 the security, but you got a few things out there.
17 What do you mean when the light goes on?

18 A. There's a little flashing red light that
19 comes on to let us know that a hit is coming through
20 the system, the GCIC hit is coming through. And then
21 it comes off like a printer.

22 Q. Which means that a local agency has
23 checked -- I'm just going to guess here from just my
24 experience and tell me, I'm going to ask you to fix
25 it all. So a local law enforcement agency has looked

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1 into what they can look into. They see that there
2 may be a warrant outstanding on this guy in the
3 jurisdiction. They follow that information and use
4 it for confirmation of the actual warrant. Is that
5 what you guys do?

6 A. Correct.

7 Q. Is that accurate?

8 A. Yes.

9 Q. So -- and there's some emergency light
10 that flashes that tells you we have a request from a,
11 probably an on-the-street deputy for law enforcement
12 needing your confirmation on a warrant?

13 A. Correct.

14 Q. Is that -- did I miss anything on that?
15 Is that pretty much what we're talking about?

16 A. Exactly what we're talking about.

17 Q. Okay. Okay. So you're rejecting a couple
18 of those and also whatever law enforcement officers
19 have come in?

20 A. Correct.

21 Q. Anything else that you're doing?

22 A. That's it.

23 Q. So what are your duties now as the
24 supervisor of R and D now that Rowland is, now that
25 Rowland's not there?

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1 MR. PHILLIPS: That's what I wondered, you
2 know.

3 Q. (By Mr. O'Mara) Yeah. Now that Rowland is
4 no longer there, you are -- you have become the
5 supervisor of R and D?

6 A. Correct.

7 Q. And what are your duties?

8 A. To take over what she would normally do if
9 she was there. I would be at the supervisor's desk.
10 I would answer the warrant hit. The lobby officer,
11 when people in and put bond, secure a bond on
12 individuals, it would come through a chute and I
13 would have to get those bonds, write them out
14 physically.

15 And after I get the paperwork, put it in a
16 basket or inbox so that the property officer can come
17 and pick those up so that we can people discharged or
18 released from the jail if they have a bond.

19 Q. You also now have sort of supervisory
20 authority over all the inmates in R and D; correct?

21 A. Yes.

22 Q. They're now under your charge; is that
23 accurate?

24 A. Yes.

25 Q. Including Mr. Ajibade, of course?

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1 A. Right.

2 Q. So as you're going through all of these
3 other activities, are we now in the time line where
4 Mr. Ajibade is already in the cell?

5 A. Yes.

6 Q. Okay. And you weren't present for any of
7 what happened in the cell, were you?

8 A. No.

9 Q. Okay. What did other people tell you
10 happened with Mr. Ajibade in the cell?

11 A. Before he was placed in the cell or --

12 Q. No. After.

13 A. After he was placed in the cell?

14 Q. Let's take it real slowly.

15 A. Okay.

16 Q. So you show up at the scene of the
17 10-78 --

18 A. Right.

19 Q. -- and the scuffle's going on.

20 A. Correct.

21 Q. You go deal with Sergeant Rowland?

22 A. Correct.

23 Q. And she goes to EMS?

24 A. Yes.

25 Q. Now you're sort of in charge?

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1 A. Yes.

2 Q. The situation has now ended at the cell by
3 this point; is that accurate? By the cell, I mean
4 with Mr. Ajibade in the restraint chair in No. 1 and
5 booking.

6 A. Well, there -- when I came to the
7 supervisor's desk, Lieutenant Johnson and a few of
8 the other officers were still in the area, in that
9 area where Mr. Ajibade was.

10 Q. So they come out and tell me who tells you
11 what about what's going on.

12 A. Basically no one tells me what was going
13 on. I just -- I tried to get -- I was at the
14 supervisor's desk tending to my duties that I had to
15 attend to as far as getting everything organized and
16 getting everything back in order.

17 Q. And --

18 A. Lieutenant Johnson was with the other
19 officers and she was briefing them or talking to
20 them, I believe.

21 Q. Okay. Did nobody come up to you and talk
22 to you about what had just happened in the cell?

23 A. No.

24 Q. Nobody?

25 A. No.

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1 Q. Okay. Did you ask anybody --

2 A. No.

3 Q. Hold on. No, you're doing great. Did you
4 ask anybody, since now he is in your charge, what's
5 going on with that inmate in there?

6 A. I believe I asked Private Capers and
7 Vinson after they were there if he was okay and if he
8 was all right.

9 Q. Okay. Now, this was -- just give me the
10 time line on that.

11 A. Whatever the video shows. I can't recall.

12 Q. Okay. Tell me where it was when you were
13 talking to Capers and/or Vinson.

14 A. At the supervisor's area.

15 Q. Okay. So they would have come up to it?

16 A. They was -- yeah, they came up to the
17 desk.

18 Q. Okay. How lengthy was that conversation?

19 A. Not very lengthy.

20 Q. Tell me what you said or what they said.

21 A. I asked them how he was doing. They said
22 he was, you know, he was okay. And then Mark Capers
23 was standing at the bed along with Private Vinson and
24 that's when Private Capers looked at Vinson, he said,
25 "Man, you got a knot on your head."

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1 And then Vinson started rubbing his head
2 and he was like, "Oh, I didn't even know it was
3 there."

4 And then later he, he --

5 Q. He being?

6 A. Private Vinson. Later he just started
7 rubbing his head, and then the next thing I knew, I
8 think Private Capers said something about getting it
9 checked out. And then I remember
10 Lieutenant Johnson -- I think he went to either
11 Lieutenant Johnson or Lieutenant Johnson came to him
12 and said that he needed to go out to get himself
13 checked out as well. Private Vinson needed to get
14 himself checked.

15 Q. All right. Did anyone ever tell you that
16 he was tased?

17 A. If who was tased?

18 Q. Ajibade.

19 A. No.

20 Q. Vinson didn't tell you that?

21 A. No.

22 Q. And Capers didn't tell you that?

23 A. No.

24 Q. Is that something that you think that you
25 would like to have known as the supervisor of R and D

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1 that night?

2 A. Whenever the lieutenant is in the area,
3 she is basically in charge and she disseminates down
4 to me what, what took place or what happened.

5 Q. Okay. Did you understand the question?
6 Do you think that information from Capers or Vinson
7 or anybody else, Kenny, Ambrose, you know, all the
8 guys who were there, do you think that that
9 information being passed on to you as a supervisor
10 are, indeed, would have been important for you to
11 know?

12 A. It would have been important for me to
13 know, but no one shared that with me.

14 Q. Okay. At some point you found out that he
15 had been tased several times; is that accurate?

16 A. No.

17 Q. You never found out?

18 A. I found out through the videos.

19 Q. Okay. Well, let me ask it this way then,
20 the right way. When did you first find out that
21 Matthew had been tased?

22 A. Through the videos.

23 Q. But I don't know if you saw it that night
24 or three weeks later. So when --

25 A. In court.

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1 Q. I'm sorry?

2 A. In court.

3 Q. Okay.

4 A. When I was in court. I didn't know, I
5 didn't know any of that until it came out in court.

6 Q. And when you say "court," you're talking
7 about the criminal trial?

8 A. The trial, yes.

9 Q. So up until your criminal trial, you never
10 heard the term that Matthew Ajibade had been tased at
11 the Chatham County jail; is that accurate?

12 A. As far as seeing it or hearing it; right.

13 Q. Hearing it.

14 A. Hearing it.

15 Q. Never heard it before?

16 A. Right.

17 Q. First time you heard that he was tased was
18 in your own criminal trial?

19 A. Right.

20 Q. Okay. Nobody ever told you that? Johnson
21 never told you that; is that correct?

22 A. Johnson?

23 Q. I'm sorry. Lieutenant Johnson.

24 A. No, she didn't tell me that.

25 Q. Capers, Vinson, Ambrose, Kenny, none of

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1 them ever told you that --

2 A. That he had been tased, no.

3 Q. -- that he had been tased?

4 MR. PHILLIPS: I need to talk to her just
5 a minute.

6 MR. O'MARA: You're allowed to.

7 THE WITNESS: I need to go to the
8 bathroom, too.

9 MR. PHILLIPS: She's got to go to the
10 bathroom.

11 MR. O'MARA: Perfect timing. Not, not
12 even coincidentally.

13 THE WITNESS: No, but I need a break.

14 MR. O'MARA: No, it's terrific. I was
15 going to say it's been about an hour, so you
16 should take a break.

17 THE VIDEOGRAPHER: Okay. We're going off
18 the video at 1519.

19 (Recess from 3:19 p.m. to 3:32 p.m.)

20 THE VIDEOGRAPHER: Okay. We're back on
21 the video at 1532.

22 Q. (By Mr. O'Mara) Following up, I know that
23 we took a break right after a question I had asked
24 you about when the first time was that you heard
25 about the fact that Matthew had been tased. And I

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1 think your answer was that you first learned about it
2 at trial?

3 A. Right.

4 Q. Did you want to sort of expound on that
5 answer a bit?

6 A. Yeah. Having thought about it, when I did
7 learn about it was like through the media and, you
8 know, some people like people talking that he had
9 been tased.

10 Q. Okay. But nothing that you found out in
11 the normal course of your work that night?

12 A. Correct.

13 Q. Okay. And that would have been an event
14 that you would wanted to have known of; is that
15 accurate?

16 A. Yes.

17 Q. That night?

18 A. Yes.

19 Q. And had you known of that tasing, would
20 you have acted any differently towards handling
21 Mr. Ajibade?

22 A. Would I have acted any --

23 Q. Would you have been more sensitized to the
24 situation that he had been tased --

25 A. Sure.

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1 Q. -- if you had been told about it?

2 A. Yes.

3 Q. Okay. And what -- tell me what you would
4 have done differently.

5 A. Well, after the detainee was subdued or
6 restrained, there shouldn't -- I don't, I don't
7 believe he should have been tased if he was already
8 restrained.

9 Q. Okay. So if you -- if there was a video
10 in the room, it was looking down at him and you saw
11 him restrained, you would have said don't tase him or
12 something like that? Is that what you're sort of
13 saying?

14 A. There wouldn't have been a need for him to
15 be tased.

16 Q. Why not?

17 A. Because he was already restrained. He, he
18 couldn't hurt anyone. He couldn't cause harm to
19 anyone.

20 Q. And where do you get that from?

21 A. From the new training from the Taser.

22 Q. Okay.

23 A. From the new training Taser.

24 Q. From the training that you had on the new
25 Taser?

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1 A. Correct.

2 Q. The training that you had gotten before
3 Matthew's event?

4 A. Right.

5 Q. Okay. So if you had been given the
6 information, if Capers had walked up to you and said,
7 as an example, you know, Kenny tased him four times,
8 restrained or not, just knowing that he was tased,
9 would your -- would you have then acted differently?
10 What would you have done differently in dealing with
11 Matthew?

12 A. If Mark Capers would have came to me and
13 told me that Sergeant Kenny tased him four times, I
14 would have asked why.

15 Q. Okay.

16 A. You know, what was he doing for him to
17 tase him. Was he -- I would have asked a series of
18 questions as to why Kenny felt the need to tase him.

19 Q. Okay. Would you have made a more
20 affirmative decision to try and get Matthew medical
21 help?

22 A. Yes.

23 Q. What would you have done in that regard?

24 A. I -- if, if Mark would have came up and
25 told me that he had just gotten tased, I would have

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1 tried to go look to see if he was okay and get the
2 medical staff in to check him to make sure that he
3 would have been okay. And then I would have informed
4 the watch commander.

5 Q. A Taser event in jail, would you consider
6 that a significant event?

7 MR. PERKINS: Object to form.

8 THE WITNESS: I'm sorry.

9 Q. (By Mr. O'Mara) So when somebody gets
10 tased in the jail, what is supposed to happen after
11 that?

12 A. They're supposed to get medical help.

13 Q. For the person tased?

14 A. Yes.

15 Q. And what else is supposed to be generated
16 or what else is supposed to occur?

17 A. Reports written as to why the individual
18 was tased.

19 Q. Okay. And what is the purpose of those
20 reports?

21 A. The purpose is to allow everyone to see
22 what took place as to who tased him and why.

23 Q. Any explanation that you can give me here
24 today as to why six people or so who were in that
25 cell when he was tased didn't say a word to you about

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1 any of it?

2 A. The only explanation I can offer is
3 because the lieutenant was there and they looked at
4 her as being the one in charge. We all, we all do
5 because she was a watch commander. Anything that
6 goes on has to go through the watch commander or the
7 watch commander on scene and makes the decisions as
8 to what will happen.

9 Q. Well, is there any policy that you're
10 aware of to make certain that that type of
11 information gets to the people who need it available
12 to them?

13 A. Am I -- repeat it.

14 Q. Are you aware of any policy at Chatham
15 County to assure that information like that gets to
16 the people who need it?

17 A. It may be in policy, but does it happen?
18 No.

19 Q. And tell me why that that just doesn't
20 seem to happen at Chatham County?

21 MR. PHILLIPS: When you say "Chatham
22 County" --

23 MR. O'MARA: Jail.

24 MR. PHILLIPS: Jail. Okay.

25 A. I can't answer why it doesn't get

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1 disseminated properly.

2 Q. (By Mr. O'Mara) Well, you've been there
3 for 16 years?

4 A. Yes, I have.

5 Q. 14 years. Sorry.

6 A. 15.

7 Q. You're right. And was this something that
8 was just a matter of course there for the 15 years
9 that you were there?

10 MR. PERKINS: Object to form.

11 Q. (By Mr. O'Mara) Let me rephrase it.

12 A. Yes.

13 Q. You had mentioned just a moment ago that
14 even though this information should be disseminated,
15 the course is it just doesn't get disseminated; is
16 that accurate?

17 A. Right.

18 Q. And has it been that way for all your time
19 there, 15 years?

20 A. Yes.

21 Q. Is it just the way it happens at Chatham
22 County, this information doesn't get given to the
23 people who need it?

24 A. Repeat that one more time.

25 Q. Sure.

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1 A. So I can answer it correctly.

2 Q. Well, for 15 years information about
3 significant events seems to be getting lost,
4 according to your testimony; is that accurate?

5 A. That's correct.

6 Q. Well, why is that happening for the past
7 15 years at Chatham County jail?

8 A. I can't answer why it happened, but it
9 happens. That's why we have -- when we have the big
10 briefing in the muster room, it all comes out
11 whatever happens in the jail at the muster room.

12 But if anything else happens, the watch
13 commander knows, and generally it's supposed to get
14 disseminated out to the supervisors. And the
15 supervisors filter it down to the line staff. But
16 somewhere in there, communication gets broken.

17 Q. And does that just seem to happen all the
18 time?

19 A. Yes.

20 Q. With situations like people getting tased
21 and -- is that one example of how that happens?

22 A. Yes.

23 Q. People not getting proper medical care, is
24 that another example?

25 A. I can't answer whether other people get

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1 proper medical care or not. It's only whenever -- if
2 it's in my area.

3 Q. It is now apparent that -- well, do you
4 think that -- had information been available to you
5 that Matthew was suffering from a mental health
6 concern, would you have liked to have had that
7 information available to you?

8 A. Yes, I would have.

9 Q. If that information had been made
10 available to you, what would you have done
11 differently in handling Matthew Ajibade?

12 A. What I would have done was when -- and I
13 want to go back to when Private Richardson pulled him
14 out. When he came out and saw his -- because I went
15 through the course. I saw the way that he was acting
16 as far as sitting in a chair and, and the way he
17 started acting. I would have done it like, okay. I
18 would have talked to him and said okay, fine. If you
19 want to sit there, you can sit in the chair. I
20 always try to keep talking to him, try to find out
21 why he was acting the way he was acting.

22 Because the chair wasn't that important at
23 that time. When you see someone like that with a,
24 with a problem, you look at him. You try to assess
25 him. Okay. Sit in the chair. And then he probably

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1 would have got up. Maybe I could have talked him
2 down -- well, not talk him down, but talk to him to
3 the point where he would have gotten up and I could
4 place him back in the cell since I saw that he wasn't
5 going to cooperate.

6 I wouldn't have -- there wouldn't have
7 been a force. It could have been where
8 Private Richardson should have waited until he had
9 other, other supervisors and other people, and to
10 include the nurse, to come and assess Mr. Ajibade and
11 say, okay. It's okay. We can talk to you. And if
12 he didn't want to cooperate, we could still talk to
13 him and then talk him back where he can be, you know,
14 go back to the cell and then we can get medical help
15 for him. That's, that's how I would have handled it.

16 Q. Had -- so have there been other examples
17 or other similar circumstances where you had people
18 that you later found out had mental health concerns
19 that you weren't informed of there at Chatham County?

20 A. Were there others?

21 Q. Do you understand the question or did it
22 get -- it got a bit confusing to me.

23 A. Yeah.

24 Q. Here's where I'm heading.

25 A. Okay.

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1 Q. It is now, as we all look back at it,
2 pretty obvious, I think, and let me ask you this: Is
3 it now obvious to you with what you know about the
4 case that Matthew Ajibade was suffering some mental
5 health disorder while he was at the jail?

6 A. Yes.

7 Q. Are you pretty convinced of that now?

8 A. Yes.

9 Q. You didn't know about it back then?

10 A. Right.

11 Q. Correct? But you know it now?

12 A. Yes.

13 Q. And do you agree that that would have been
14 information that you would liked to have had
15 available to you so you could have handled him
16 differently?

17 A. Yes.

18 Q. And if you had that information available
19 to you, you would have handled him differently;
20 correct?

21 A. Yes.

22 Q. Like I think you said you would have maybe
23 tried to talk him down or wouldn't have had
24 Richardson -- would have had Richardson treat him
25 more gently? Or you tell me.

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1 A. I would have probably told
2 Private Richardson just to let me talk to him first
3 to see if we can -- so I can get some kind of
4 understanding as to why he's behaving the way he is.
5 And then once I see that, then I could have just
6 said, okay. I would have called for the watch
7 commander. I would have called for the nurse to come
8 so that, you know, we can all try to talk to him to
9 try to get him calm, calm enough where we can assess
10 him and ask him if he was taking any medications or
11 anything like that.

12 Q. Okay. And so you talked a little while
13 ago about the fact that there's an information flow
14 problem with Chatham County; is that accurate?

15 A. The jail.

16 Q. At the jail. I'm sorry. And that that
17 has been consistent for the time you've been there?

18 A. Yes.

19 Q. Has that same information, information
20 flow problem existed with communicating concerns
21 about mental health patients?

22 A. It probably has.

23 Q. Well, has there been examples where you
24 wish you knew about a mental health concern that
25 somebody didn't bother to tell you --

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1 A. No.

2 Q. -- and it was too late?

3 A. No.

4 Q. Do you recall any examples of that?

5 A. No.

6 Q. Have there been other times when you have
7 been aware of a mental health concern where you've
8 been able to talk him down or interact with him
9 better?

10 A. I'm trying to think. When I was in Unit
11 5, because that's where I've been the majority of my
12 time, another unit would bring some individuals from
13 Unit 4, which was our mental health unit, down to
14 where I worked at. And they would be in a cell and I
15 could talk to them. But in trying to, you know, talk
16 to the mental health patients, I mean, inmates.

17 Q. And have you had success in the past
18 knowing that they have mental health concerns dealing
19 with them with whatever training you have?

20 A. Yes.

21 Q. Similarly, you may have answered this,
22 have you had problems or concerns with handling
23 patients or inmates who you later found out had
24 mental health concerns where you wish you knew it at
25 the time?

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1 A. Repeat that.

2 Q. Yeah. What you've testified now is that
3 you wish you knew that you were aware of Matthew's
4 mental health concerns; correct?

5 A. Yes.

6 Q. And that you would have treated him
7 differently?

8 A. Yes.

9 Q. I'm just curious whether or not there are
10 other examples of people that have been treated a
11 certain way either by you or by other people in the
12 jail because they were ignorant of the mental health
13 concern?

14 A. No.

15 Q. Were you ever told of the physical
16 injuries that happened to Matthew in the fight, in
17 the scuffle? Do you understand what I'm saying?

18 MR. PHILLIPS: Can you specify when?

19 MR. O'MARA: Yeah.

20 Q. (By Mr. O'Mara) You know that there was
21 the scuffle that you came across; right?

22 A. Yes.

23 Q. You knew that, right, that it happened?
24 But you didn't see the video until much later.
25 Certainly not that day.

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1 A. Correct.

2 Q. Correct?

3 A. Correct.

4 Q. So you were not aware looking at it of
5 seeing any injuries that Matthew may have sustained;
6 correct?

7 A. Correct.

8 Q. But you now have had a chance to look at
9 the video?

10 A. Yes.

11 Q. You know that he was kicked in the head;
12 right?

13 A. Yes.

14 Q. And punched in the face?

15 A. Yes.

16 Q. If you had been given that information
17 that night, what would you have done differently
18 about Matthew?

19 A. He would have been seen, you know, by the
20 nurse.

21 Q. Solely because you were giving the
22 information about the kick to the head and the punch
23 to the face?

24 A. That would have been my concern, yes.

25 Q. Okay. And you were not given that

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1 information; correct?

2 A. Right.

3 Q. By anybody?

4 A. No.

5 Q. Is that, is that in the same vein as we
6 talked about a minute ago where information flow just
7 doesn't happen at Chatham County jail the way it
8 should?

9 A. Yes.

10 Q. And it's that type of information -- does
11 that, does the failure of giving that type of
12 information impacting your ability to do your job
13 right?

14 A. Yes.

15 Q. And a large part of your job, as you said,
16 I think the first thing was to secure the safety
17 and -- of inmates and staff; correct?

18 A. Right.

19 Q. So when, when was it that you first
20 realized or were told or found out that
21 Matthew Ajibade had a mental health concern?

22 A. I didn't learn any of this until like from
23 the media and during my, the trial.

24 Q. So you never really heard it from anybody
25 in the jail?

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1 A. Right. No. No one told me that he was
2 mental health.

3 Q. Did anybody tell you that when he came in
4 from law enforcement, he came in with the bipolar
5 medication that he was either on or supposed to be
6 on?

7 A. No.

8 Q. That was never given, that information was
9 never given to you?

10 A. No.

11 Q. Would that piece of information have been
12 significant to you to be aware of?

13 A. Yes.

14 Q. And how would you have treated Matthew
15 differently if you were aware of that piece of
16 information?

17 A. I was sure if he had medication, I would
18 have probably talked to him and asked him when was
19 the last time he had taken -- well, I'd ask him if he
20 was on medication. And then when was the last time
21 he took his medication. Then I would talk to the
22 nurse and make him aware of that Mr. Ajibade was --
23 probably had some mental health issues, and that we
24 would deal with him, you know, however the nurse saw
25 fit to, to deal with him.

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1 Q. Were you also aware that a phone call was
2 made to the jail from one of Matthew's employees or
3 coemployees to tell people at the jail that he had a
4 mental health issue?

5 A. That was told to me later during my trial,
6 during the trial that Private Richardson had received
7 a phone call from someone on the outside.

8 Q. And was that information ever communicated
9 to you in your supervisory capacity that night?

10 A. No.

11 Q. And had it been, what -- how would you
12 have treated Matthew differently?

13 A. I would have told staff that, still
14 that -- when I was given the information, of course,
15 I would have told my supervisor -- well, the watch
16 commander -- that I received a phone call from
17 whomever stating that Mr. Ajibade had some mental
18 health issues.

19 And then once we, once I pass that
20 information on, and being the supervisor, I would
21 have said we wouldn't going to bother him at the time
22 or, you know, take him out of the cell until we've
23 got adequate staff on hand to talk to him and deal
24 with him.

25 Q. Have you ever made the decision while in a

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1 supervisory role of the jail that somebody needs to
2 be transported out of the jail and to a hospital?

3 A. No, I can't make that, I can't make that
4 call.

5 Q. You don't make that call yourself?

6 A. Right.

7 Q. But have you had occasions during your 15
8 years there where those situations come up?

9 A. I would consider it line staff. So, no, I
10 never made those.

11 Q. I mean, I'm just wondering whether you --
12 not made the decisions. Were you aware that that
13 would happen on occasion?

14 A. No.

15 Q. Never? Like --

16 A. I'm sorry. Repeat the question again.

17 Q. Okay. Sure. No problem. Speaking
18 specifically any time when an inmate would need to be
19 moved out of the jail into a hospital.

20 A. Right.

21 Q. I'm presuming that that's happened a lot
22 during your 15 years there?

23 A. Uh-huh.

24 Q. You have to say yes or no.

25 A. When I say "uh-huh," I was just listening

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1 to what you were saying.

2 Q. Okay.

3 A. But I'm not aware of that. I mean --

4 Q. Okay. In your supervisory role that
5 night, if you had information about Matthew's mental
6 health concerns, would you have considered moving him
7 to a hospital facility, if necessary?

8 A. Again, moving him out of the jail to a
9 mental, to the hospital wouldn't have been my call.
10 That would have been the watch commander, and it
11 would have been above her, Lieutenant Johnson, that
12 would have been above her. So all I could have done
13 was assess Mr. Ajibade, report it to her,
14 Lieutenant Johnson, and then she take it from there.

15 Q. So we're now going back to the time line.
16 We're at the point where you're at the booking
17 sheriff's desk taking on the supervisory role?

18 A. Yes.

19 Q. And tell me the first, tell me the first
20 time you ever checked in on Matthew Ajibade while you
21 were there.

22 A. The first time I checked in on
23 Mr. Ajibade, and I didn't realize it because after
24 everything had went on, I was still pretty much, I
25 guess, hyped up or whatever. And the video shows

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1 that myself and Corporal Kenny, we walked in and
2 looked in on Mr. Ajibade. And that was shortly
3 after, I think, he had been in the chair.

4 Q. Just a few minutes later, I think it was
5 seven or eight minutes afterwards?

6 A. Thereabout, yes.

7 Q. Just explain that to me. Did you actually
8 go up to the door? Did you open the door and go in?
9 Just tell me what you did.

10 A. Walked in the door, looked in to make sure
11 that there was movement, and just turned around and
12 walked back out.

13 Q. Okay.

14 A. That would be it.

15 Q. All right. And the next time you checked
16 or saw him?

17 A. Is after I had just came back from picking
18 up a warrant and before I settled down at the desk to
19 start really doing paperwork, I said, "Let me go
20 check to make sure he's still okay." And then that's
21 when I went and I looked, peeped in on him and I
22 didn't see any movement. And I called out to him.
23 Then I opened up the door and called out to him
24 again. And that's when I closed the door and I ran
25 around to the corner to go get the nurse.

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1 Q. Okay. Now, was that the event that was
2 somewhere around 1:30, 1:35 --

3 A. Correct.

4 Q. -- a.m.; correct?

5 A. Yes.

6 Q. And you had not seen him in between those
7 two times; correct?

8 A. Correct.

9 Q. At that point in time from about 11:50,
10 whenever that first check was, until about 1:30,
11 1:35 --

12 A. Uh-huh.

13 Q. -- tell me your awareness of who it was
14 you thought you were checking on. His name, but his
15 circumstance. What were you aware of?

16 A. I was just aware that he had been placed
17 in a chair and I believe they, yeah, they had put, I
18 believe they put a spit mask on him. I was aware
19 they put a spit mask on him, I believe. And that's
20 why I was going to check to make sure that he was
21 okay.

22 Q. Okay. And you testified earlier you were
23 unaware that he had been tased?

24 A. Correct.

25 Q. Are you -- were you aware or unaware that

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1 he had been struck or potentially injured?

2 MR. PHILLIPS: Do you mean in the cell or
3 earlier?

4 MR. O'MARA: Well, at any time, I guess.

5 Q. (By Mr. O'Mara) Did anybody ever come
6 out -- let me ask it this way.

7 A. During the incident?

8 Q. Did anyone ever come and tell you during
9 the initial incident that what we call a scuffle out
10 there in the booking area, if I can call it that?

11 A. Right.

12 Q. Did anyone ever come tell you that he was
13 kicked in the head?

14 A. No.

15 Q. That he was punched in the face?

16 A. No.

17 Q. That he was put down on the ground in any
18 other form or fashion that may have led to some
19 injury?

20 A. No.

21 Q. Okay. And then in the cell, when they had
22 him in the cell, did anybody come up to you and say
23 he was tased at all?

24 A. No.

25 Q. Did anybody ever come to you and say if he

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1 was injured or in any other fashion while in the
2 cell?

3 A. No.

4 Q. So were you aware of any of that when you
5 were checking on him?

6 A. No.

7 Q. All right. Let's talk about what you are
8 supposed to do when you have a person in restraints.
9 So you find out or you either put or order to be put
10 or find out that somebody is in a restraint
11 situation. What are you supposed to do?

12 MR. PHILLIPS: I'm going to --

13 MR. PERKINS: Join.

14 MR. PHILLIPS: -- I'm going to instruct
15 her invoke the privilege, which she'll do.

16 A. Upon the advice of my attorney, I'm
17 exercising my right to remain silent as granted by
18 the Fifth Amendment to the United States Constitution
19 as qualified in Georgia law under the provisions of
20 O.C.G.A. Section 24-5-505. Accordingly, no
21 interference may be drawn from my refusal to answer.

22 MR. O'MARA: Well, just so we're clear, no
23 inference can be drawn to your decision not to
24 testify in a criminal case. An inference can
25 and most certainly will be drawn in any civil

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1 proceeding.

2 So I don't know -- I don't want to advise
3 you, but I'll make sure that your attorney has
4 advised you that inferences in criminal and
5 inferences in civil are much different. So I
6 don't know if we want to take a minute on
7 that --

8 MR. PHILLIPS: We'll be fine.

9 MR. O'MARA: -- or if we're fine on that.
10 But we certainly tend to have inferences drawn
11 against your refusal to answer questions in this
12 deposition in all pending civil cases. Just so
13 you're clear.

14 MR. PHILLIPS: Okay.

15 Q. (By Mr. O'Mara) Okay. Did you fill out a
16 privileged -- I'm sorry -- a restraint log in this
17 case?

18 A. Yes.

19 Q. And did you fill it out after the -- you
20 realized that Mr. Ajibade had passed?

21 A. No.

22 Q. Did you fill it out -- tell me when you
23 filled it out then during the events.

24 A. The form was generated when I returned
25 back to my -- to the supervisor's desk. When I came

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1 back and knew that he had been placed in the
2 restraint chair, I went on and got on the Share Point
3 and generated the restraint chair log.

4 Q. Okay. Why you and nobody else would --

5 A. Because he, he was restrained in my area.

6 Q. So then it's your responsibility to be the
7 one to prepare or to generate a restraint log?

8 A. Well, in all actuality, it should have
9 been the one who placed him in the restraint chair
10 that should have generated the log.

11 Q. Do you know who that was?

12 A. Who placed him in the chair?

13 Q. Yeah.

14 A. No. I wasn't there.

15 Q. Okay. So on Share Point -- I guess I'm
16 curious. So you come out. You're obviously the
17 supervisor of the area and have authority over
18 Mr. Ajibade at that point; correct? He's in your
19 area and you're responsible for him?

20 A. Yes.

21 Q. Okay. And so when you go on Share
22 Point -- and this could be an awkward question, but
23 do you go on Share Point and realize that nobody else
24 has done a restraint log yet, so you have to start
25 one or how -- you know what I'm saying?

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1 A. Well, I generated the restraint chair log
2 because I didn't know if anyone else had generated
3 one. And I knew that at some point that one needed
4 to be created. So that's why I took that
5 responsibility and said, okay, I'll go ahead and do
6 the restraint chair, create the restraint chair log.

7 Q. And why does one have to be created?

8 A. Well, not created, but filled out and
9 printed.

10 Q. Yeah. Why?

11 A. Because it keeps track of, of the
12 individual that's in the restraint chair, the timing,
13 his time of restraint chair, he's in the restraint
14 chair.

15 Q. Okay. And it also identifies the timing
16 that he's supposed to be checked; is that accurate?

17 A. Correct.

18 Q. So you fill out -- so when you generate
19 it -- because I know there's been some confusion
20 about generation and filling it out and signing and
21 all that.

22 A. Okay.

23 Q. Just define generate for me.

24 A. I guess I use the term generate meaning go
25 on Share Point, pull up, pull the form up and filling

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1 in the blanks and then printing it out.

2 Q. Okay. So when we say "generate" -- we're
3 going to use that -- that's just you taking the
4 template, sort of --

5 A. Correct.

6 Q. -- a form, typing in Mr. Ajibade's name?

7 A. Yes.

8 Q. And we have it available. I'm sure you
9 have it too. All the other identifying information?

10 A. Correct.

11 Q. Are the times that are put on, put into
12 Share Point so that they're put then into the
13 computer form or is the form printed out?

14 A. The form is printed out.

15 Q. Okay. And then is the form then filled
16 out during the time of the restraint?

17 A. Correct. Yes.

18 Q. Now, in this case with Mr. Ajibade, you
19 generated the form?

20 A. Yes.

21 Q. Okay. And when was it filled out?

22 A. Before -- when he got placed into, into
23 the chair, placed into the cell, once he was placed
24 in the cell and the, Lieutenant Johnson, the main
25 staff was still there, I printed it out. I went on

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1 Share Point and created it then.

2 Q. Okay. We know through the discovery that
3 the log restraint suggested it was generated at
4 11:45. Does that sound about right to you?

5 A. Yes.

6 Q. Okay. And that the initial viewing or
7 checking, the initial check on him was exactly then.
8 The first one would have been 11:45.

9 A. While they were there, yes. That counts
10 as a check.

11 Q. Okay. And then we also know that on the
12 form there were other times that suggested that he
13 was checked. I think everyone realizes he -- well,
14 he was never checked those other times; is that
15 accurate?

16 A. Correct.

17 Q. Okay. Yet, that form was filled out as
18 though he had been; is that also accurate?

19 A. The forms were filled out according to
20 what was stated that he had been checked, yes.

21 Q. We'll get to that in a minute.

22 A. Okay.

23 Q. But -- so when was, when were those actual
24 entries made, though? Were they all made at one time
25 at the end of the event?

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1 A. No. They were made when it happened.

2 Q. Explain that to me.

3 A. The first -- when the form was generated,
4 printed out, the time, the first initial check that's
5 on there was when everyone was still there and he
6 appeared to be okay. That's considered a visual
7 check.

8 MR. PHILLIPS: That's at 11:45.

9 THE WITNESS: 11:45.

10 Q. (By Mr. O'Mara) Okay.

11 A. And then the other checks is when he was
12 supposed to have been checked and the times were
13 placed in there. They were placed at separate
14 entities. They weren't placed all at one time.

15 Q. Okay. I'll give you an example. There
16 was one in there that was suggested he was checked at
17 12:10. Is it your testimony that that 12:10 entry
18 was put in at 12:10 or at some later time, did
19 somebody say I checked him at 12:10 and then you put
20 it in?

21 A. No. The 12, like the 12:10 was when I
22 looked at the clock and it said 12:10.

23 Q. And so what did you fill out at 12:10?

24 A. The time and I put my initials.

25 Q. Okay. And who else had their initials on

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1 there?

2 A. Nurse Brown had signed the form.

3 Q. Okay. And then there were three other
4 entries before the 1:30 or 1:35 one?

5 A. My initials, yes.

6 Q. What is your testimony as to when they
7 were placed on that form?

8 A. When Private Vinson and Capers both came
9 to the desk and told me. And I asked them, because
10 they went in and looked at him. And when they came
11 to the desk, I asked them was, was he okay and how
12 did he look, and they said he was okay.

13 Q. Now, you've had a chance to look at all
14 the videos since as far as whether or not they
15 actually checked on him; right?

16 A. I saw them in court.

17 Q. Okay.

18 A. The first time I seen a video was when
19 Mr. Purdiman showed it to me when he interviewed me.
20 And then the next time I saw videos again was in, at
21 the trial.

22 Q. You would agree that there isn't any video
23 evidence concerning checks during those times, are
24 there?

25 A. I'm sorry?

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1 Q. Would you agree that there are -- there's
2 no video evidence that they ever checked him at 12:10
3 or 12:40 or anything like that, is there?

4 MR. PERKINS: Object to form.

5 A. I'm not sure.

6 Q. (By Mr. O'Mara) Are you aware of any
7 evidence or video evidence supporting the,
8 Mr. Ajibade being checked during those very times
9 that you put in the form?

10 A. Not other than what's been shown, the
11 video that's being shown.

12 Q. Okay. So just so we're clear, you never
13 checked on Mr. Ajibade, correct, from 11:45 was the
14 first one, and then the 1:30, 1:35?

15 A. Correct.

16 Q. Okay.

17 A. The one that --

18 MR. PHILLIPS: Ask that question again,
19 please. I don't think she understood it.

20 THE WITNESS: Yeah.

21 Q. (By Mr. O'Mara) You never checked yourself
22 on Mr. Ajibade from after 11:45 until 1:30; is that
23 correct?

24 A. I, I made a check with -- myself and
25 Kenny, we walked in there and we checked on

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1 Mr. Ajibade.

2 Q. And when was that?

3 A. That was shortly after he had been placed
4 in the, in the, in the chair.

5 Q. Okay. That was one that was listed at --
6 maybe I did mess up -- 11:45 was created, about 11:53
7 was the check where you put down you and Kenny;
8 correct?

9 A. Right.

10 Q. All right. Anything after that before
11 1:30?

12 MR. PHILLIPS: As far as she's concerned?

13 Q. (By Mr. O'Mara) Yeah. With what you did.

14 A. Right. No.

15 Q. All right. Where was that form kept
16 during the intervening time?

17 A. On the desk.

18 Q. I'm sorry?

19 A. On the desk.

20 Q. And did you ever hear Matthew say anything
21 during the time after the check at about 11:53 and
22 the 1:30 time you saw him unresponsive?

23 A. Did I hear him say anything?

24 Q. Did you ever hear him say anything?

25 A. Not that I can recall.

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1 Q. Make any noises or any screaming or any
2 moaning or anything like that?

3 A. I'm trying to -- not that I can recall.

4 Q. Okay. We know that there's some video
5 evidence, there was some times when you were near the
6 cell and did not go over to it. Do you know what I'm
7 talking about? When you were in the area?

8 A. When I went and I checked on him, I think
9 it was a female?

10 Q. Yes.

11 A. Yes.

12 Q. What was it that stopped you, if anything,
13 from checking on him while you were just 10, 12 feet
14 away? Check on the --

15 A. What stopped me?

16 Q. Yeah.

17 A. Nothing. I mean . . .

18 Q. Why didn't you check on him then?

19 A. I had just checked on him previously.
20 That was in the same time frame, I believe, when I
21 came, I had just came in and checked on him
22 previously.

23 Q. Are you talking about the one at 11:53
24 with --

25 A. 11:40 -- 53:42.

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1 Q. Yeah.

2 A. The initial.

3 Q. So, okay. Then there's also another, some
4 video evidence of you going in to get your lunch?

5 A. At that point, because I'm diabetic, I
6 hadn't, I didn't eat a dinner meal when I came on
7 shift. And it was already late and I needed to eat.
8 And I still didn't eat. I went and got my -- I went
9 and got my lunch. But when I got it, I just sat it
10 on the desk and I still didn't get a chance to eat
11 it.

12 Q. Why didn't you check on him then?

13 A. Because at that time I was -- if I'm not
14 able to do anything concerning my health, then I
15 wouldn't have been able to check on him. That's
16 basically I was just going to get my lunch.

17 MR. O'MARA: We need to change tapes. Why
18 don't we just take another, just a few short
19 break, maybe about a five-minute break or so.
20 Stretch your legs. And then I may not have a
21 huge amount more. And I promised somebody I'd
22 be done by 5:00. So I'm going to try to do
23 that.

24 THE VIDEOGRAPHER: Okay. This is the end
25 of tape No. 1. The time is 1611.

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1 (Recess from 4:11 p.m. to 4:21 p.m.)

2 THE VIDEOGRAPHER: This is the beginning
3 of tape No. 2 in the deposition of Maxine Evans.
4 The time is 1621.

5 Q. (By Mr. O'Mara) Great. Thank you. All
6 right. Before a break, we were talking about the
7 restraint log. And we're going to put up on the
8 screen here in just a second and just have you
9 identify it. I think this is identified as P-7. We
10 have agreed to joint exhibits.

11 MR. CASH: Actually, it's not a joint
12 exhibit. Sorry.

13 MR. O'MARA: All right. P for Plaintiff's
14 7.

15 Q. (By Mr. O'Mara) Can you identify -- can
16 you see it, first of all?

17 A. I can see it.

18 MR. PHILLIPS: Can you turn it on is
19 that --

20 Q. (By Mr. O'Mara) Well, we're not going to
21 spend a lot of time on it but --

22 A. I can see it.

23 Q. All right. Let's do it that way. All
24 right. Can you identify that for me?

25 MR. CASH: Can you put the lights back on.

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1 A. Corrections Bureau Restraint Chair Log.

2 THE COURT REPORTER: I'm sorry. Say that
3 again.

4 THE WITNESS: Corrections Bureau Restraint
5 Chair Log.

6 Q. (By Mr. O'Mara) Okay. Is that the one
7 that you filled out for Matthew Ajibade that night?
8 Can you see it?

9 A. Yes.

10 Q. Okay. If it's easier, I have it here as
11 well, but if you can see it up there, great.

12 First of all, going down to the bottom of
13 it for a second, you acknowledge that the restraint
14 checks are to be done no more than 15 minutes apart;
15 correct?

16 A. That's what it says, yes.

17 Q. Well -- and is that the procedure that was
18 followed by the Chatham County jail?

19 A. That's what should take place.

20 Q. Okay. But in this 15 years that you had
21 been there, was that policy followed or was it
22 ignored?

23 A. It wasn't being ignored, but a lot of
24 times you can't check him precisely every 15 minutes,
25 depending on your duties and what you're doing.

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1 Q. Certainly it might be 13 minutes or 17
2 minutes, but was this a policy that was known in the
3 jail?

4 A. Yes.

5 Q. And in your experience, was it followed or
6 not?

7 A. I don't know. It should have been
8 followed.

9 Q. Agreed. The question is was it followed
10 as a matter of course or was it not followed as a
11 matter of course?

12 MR. PERKINS: You mean specifically in her
13 experience; right?

14 Q. (By Mr. O'Mara) Your experience.

15 A. Filling out the restraint chair log was
16 normally the supervisors who filled it out.

17 Q. Okay.

18 A. Me being a supervisor, I have -- I filled
19 out far few and in between restraint chair logs.

20 Q. Okay.

21 A. So . . .

22 Q. From your experience with other
23 supervisors, from your knowledge of the way the jail
24 was being run, was the restraint chair logs filled
25 out -- I'm sorry -- were the restraint checks made

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1 every 15 minutes the way they're supposed to or not?

2 A. They're supposed to.

3 Q. Right. But were they actually done?

4 MR. PHILLIPS: If you know.

5 Q. (By Mr. O'Mara) Do you have any --

6 A. No.

7 Q. -- experience --

8 A. No.

9 Q. -- or knowledge?

10 A. No. No.

11 Q. No what?

12 A. No, I don't have any knowledge as to
13 whether restraint chair logs were being, or the
14 checks were being done at 15 minutes.

15 Q. Okay. But you knew this one was to be
16 filled out with checks every 15 minutes; correct?

17 A. Yes.

18 Q. Okay. And that's, that's your name at the
19 top left-hand corner; right? Corporal Evans?

20 A. Correct.

21 Q. And that's your handwriting?

22 A. The initials.

23 Q. Okay. Well, who actually wrote in the
24 Cpl Evans?

25 A. Me. I did.

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1 Q. That's you as well?

2 A. Right.

3 Q. Okay. And it says -- well, under check,
4 under one check, which is the box in the top
5 left-hand corner of the actual grid, can you tell me
6 what that says underneath it?

7 A. It looks like 2345.

8 Q. Okay. And then what's underneath that?

9 A. My initials.

10 Q. All right. And when is it that you filled
11 in that box?

12 A. At, at that time.

13 Q. At what time?

14 A. 2345.

15 Q. And that's when you initialed it?

16 A. Correct.

17 Q. Okay. And down below where it says
18 nurse's name, can you identify that for me?

19 A. A C line and a B, but I knew it could be
20 Nurse Brown. I looks like a C but it's probably a G.

21 Q. Okay. And then to the right of that,
22 there seems to be initials. Can you identify that?

23 A. It looks like LPN.

24 Q. And what, what does that designate to you?
25 Are those his initials, licensed practicing nurse, or

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1 do you --

2 A. I don't know too much of medical --

3 Q. Okay.

4 A. -- terminology.

5 Q. And where it says the No. 2 and then check
6 or ck, underneath that, the second box, what, what is
7 on that?

8 A. 0010.

9 Q. And whose initials?

10 A. Mine.

11 Q. Okay. And when did you fill that in?

12 A. When I looked at the clock and it was
13 0010.

14 Q. And why did you fill it in at that point?

15 A. Because that was the time that, it was
16 either Mark Capers or Vinson, they came to the desk
17 and when I asked them how is he doing.

18 Q. And what desk were you at when they came
19 up at 1210?

20 A. The supervisor's desk.

21 Q. Now, is it practice in the jail that
22 somebody else telling you is enough for you to write
23 in that you checked it and you initialed it?

24 A. Yes.

25 Q. Tell me about that practice.

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1 A. From my understanding, if the individual
2 is in restraints or he's being locked down, it's all
3 of our responsibilities to do a check in, in that
4 area, if you work in that area.

5 Q. Okay. And what questions did you pose
6 to -- who was it now? Who did the 1210 check?

7 A. Private Vinson and Capers.

8 Q. Both of them?

9 A. Correct.

10 Q. And what questions did you ask them before
11 filling it out that the check had been done?

12 A. How is he doing?

13 Q. And what else?

14 A. I believe I asked him how is he doing and
15 if he was okay.

16 Q. Okay. Anything else?

17 A. Not that I can remember or recall.

18 Q. Okay. You know that a nurse is supposed
19 to be present for those checks; correct?

20 A. In the practice? The nurse hadn't always
21 been present for the checks.

22 Q. Tell me what you mean by that.

23 A. When an individual is restrained or in a
24 chair, if one of the other officers go and check on
25 him, they tell the supervisor, you know, that the

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1 individual appeared to be okay. But the nurse
2 wouldn't be there to check him.

3 Q. Do you -- are you aware of any procedures
4 that suggested a nurse should be present for a
5 restraint check?

6 A. I'm sorry?

7 Q. Are you aware of any practice, I'm sorry,
8 any policy that suggests that the nurse should be
9 present for these 15-minute checks?

10 A. I was aware of -- I was made aware of it
11 through the policies.

12 Q. Tell me about that.

13 A. When I just -- during the course of this
14 incident.

15 Q. Okay. And what were you made aware of?

16 A. That a nurse should go in and check the,
17 check the individual.

18 Q. And who told you that?

19 A. It's in the policy.

20 Q. Okay. Was that policy followed in the
21 jail generally or not?

22 A. Not.

23 Q. It was not. And tell me how you know
24 that.

25 A. I'm only going by when I worked in Unit 5,

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1 when we had individuals in that unit. But they would
2 be -- they wouldn't be in a restraint chair. They
3 would be like in a holding cell, but they wouldn't be
4 in a restraint chair. The nurse -- and they would be
5 restrained through with leg, handcuffs and leg irons.

6 Q. Okay. Well, let me ask this: In those
7 circumstances, is it your understanding that for
8 those people, a restraint log would need to be
9 maintained?

10 A. Yes.

11 Q. Okay. Speaking specifically to restraint
12 chair logs --

13 A. Okay.

14 Q. -- slightly differently, is it your
15 understanding that the practice of having a nurse
16 present during a restraint chair check was being
17 followed as a matter of course at the jail or was it
18 not?

19 A. Not that I'm aware of.

20 Q. Well, tell me what you mean by that.

21 A. Because I actually -- I had very seldom
22 dealings with a restraint chair and a restraint chair
23 log because the unit that I worked in didn't require
24 detainees to be locked -- placed in a restraint
25 chair. Unit 5 was a -- it's a different unit. It's

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1 not close supervision.

2 So when a detainee was acting up, we would
3 pull him out of his, what they call a pod. We would
4 bring him out of the pod and put him in a -- it's
5 called an iso cell. And we just, we put him in the
6 iso cell without leg and hand restraints. But if he
7 was acting up and they had to restrain him in leg and
8 hand restraints, we'd bring him up, put him in the
9 cell, and the nurse would be there on the scene when
10 it's done. She'd check -- he or she would check the
11 handcuffs and the leg irons and see that they weren't
12 too tight, and then he would be just sitting there on
13 the bench.

14 Q. And how often would -- I'm curious now.
15 How often would those checks take place on the irons
16 restraints?

17 A. The leg and --

18 Q. How often?

19 A. The, the way the iso cells was located
20 would be on the same floor or wing as the officer
21 that's running that, that, that wing. And it would
22 be I'd say about 15, probably about 15 minutes.

23 Q. Okay. And do you know whether or not
24 those restraint checks were kept on a separate log as
25 well?

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1 A. On the restraint chair log. I mean, not a
2 restraint chair log. It would be annotated on a
3 sheet of paper, yes.

4 Q. So now on this one, again, going to box
5 No. 3 checked, what's there?

6 A. 0040.

7 Q. Okay. And then who's initials?

8 A. Mine.

9 Q. And why did you make that designation in
10 that box?

11 A. Again, I was told he was okay.

12 Q. By whom?

13 A. Mark Capers was still in the area at that
14 time.

15 Q. Do you recall a conversation or are you
16 just guessing?

17 A. It's not that I'm guessing. I know Mark
18 had came to me and he was telling me that -- Mark had
19 walked in there and checked on him. And he came back
20 and he was like, you know, he was just sitting there.

21 Q. At 12:40?

22 A. Yes.

23 Q. Is that a yes?

24 A. Yes.

25 Q. And just so we're clear as we're going

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1 through this, you never saw any, anybody ever check
2 him; right? You never saw with your own eyes?

3 A. Not physically. I mean, I didn't see them
4 like going and checking him.

5 Q. All right. You never saw them go in and
6 check; right?

7 A. Right.

8 Q. You never saw a nurse go in there and
9 check?

10 A. No.

11 Q. Even though you knew a nurse was supposed
12 to go in there and check?

13 A. Finding out later on that a nurse was
14 supposed to check.

15 Q. So did you make any notes anywhere that
16 would support your contention now that somebody else
17 told you that they had checked on Matthew?

18 A. Other than what -- on the paper.

19 Q. Just on this log?

20 A. Correct.

21 Q. There's no notes on any of this log
22 anywhere check done by someone else, is there?

23 A. No.

24 Q. And why not?

25 A. I'm not understanding the question.

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1 Q. Why didn't you, since you didn't do the
2 check, why didn't you make any notation that somebody
3 else did it?

4 A. Because I'm the supervisor. I was the
5 supervisor and I was taking the word of the officers.

6 Q. Is it your testimony then that you believe
7 the obligation identified on this form that you
8 initialed, that you can let somebody else do that for
9 you?

10 A. If it's a -- it's -- all the officers --
11 if you're assigned to an area and a person is in a
12 restraint chair, I'm the supervisor, yes. But the
13 other staff can go in and make checks.

14 Q. Well, then, why didn't you have them sign
15 the restraint chair log or initial it instead of you
16 doing it?

17 A. They're not supervisors.

18 Q. I'm sorry?

19 A. They're not supervisors.

20 Q. And there's no policy or procedure at the
21 jail that allows that?

22 A. In the policies, I believe, and I'm not
23 sure, but because I am the supervisor, I believe
24 I'm -- well, I just took the responsibility of
25 signing the form.

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1 Q. And on the No., the next box, which sort
2 of reads one hour check, which means an hour into it.
3 Read that to me.

4 A. 0100.

5 Q. All right. And what does that indicate?

6 A. A check was completed.

7 Q. And who did that check?

8 A. Another one of the line staff.

9 Q. And who was that?

10 A. I'm not sure.

11 Q. Are those your initials?

12 A. Correct.

13 Q. And do you recall talking to anybody about
14 that check?

15 A. While I was at the desk doing my, you
16 know, forms and doing bonds, I'm trying to think
17 who -- I can't recall. I think Johnson had already
18 left and went to the hospital.

19 MR. PHILLIPS: Well, don't guess.

20 THE WITNESS: Okay.

21 Q. (By Mr. O'Mara) So you don't recall who
22 that was that would have given you information from
23 which you wrote down --

24 A. The check.

25 Q. -- the 1:00 check?

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1 A. Right.

2 Q. Is that your testimony?

3 A. (Nods head affirmatively.)

4 Q. And then the 1:30 check, was that the time
5 when you found Matthew?

6 A. Right. And I came back. And . . .

7 Q. There are boxes underneath for the nurse's
8 name; right? We've talked about that?

9 A. Yes.

10 Q. When was that filled in?

11 A. I think during the initial check, first
12 check.

13 Q. Well --

14 A. After he, after we did the 2345, I took
15 the sheet to Nurse Brown and he initialed it. Well,
16 he put his initials there.

17 Q. So what we see in the column to the right
18 of nurse's name, that's CB or GB, it's your testimony
19 that was filled out at 12:45?

20 A. Correct.

21 MR. PHILLIPS: I think she said 2345.

22 MR. O'MARA: I'm sorry. What did I say?

23 23, yeah.

24 THE WITNESS: 2345.

25 MR. O'MARA: 2345. Sorry.

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1 Q. (By Mr. O'Mara) Did you ever bring this
2 form back to Nurse Brown to have him review or
3 initial again?

4 A. No.

5 Q. Why not?

6 A. I don't have an answer for that.

7 Q. I'm sorry?

8 A. I don't have an answer for that.

9 Q. Have you ever told anybody that you filled
10 this form out not as it was happening but after
11 everything was done and you realized Matthew was in
12 distress and taken away?

13 A. No.

14 Q. Do you recall talking to the internal
15 affairs people and talking to them about when you
16 actually filled it out?

17 A. When I had the interview, yes, with the
18 internal affairs, I told them when I filled it out.
19 I generated the form when the incident happened after
20 he was placed into the chair and everyone -- and he
21 was subdued. That's when the form got filled out
22 initially.

23 Q. So did you ever tell internal affairs that
24 you filled out the form after everything happened
25 with Matthew?

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1 A. No.

2 Q. No?

3 A. I didn't fill it out after -- you fill out
4 the form as it happens. I didn't do anything after
5 the fact that -- are you speaking of after his
6 deceased?

7 Q. Yes.

8 A. Oh, no. The only thing I told internal
9 affairs was the 1:30 -- when I found Mr. Ajibade, I
10 hadn't put the 0130 in there. And when the code and
11 everything was called and then when I put that 130 in
12 there was after Colonel Gilberg had came in. And he
13 asked me, he asked where was the restraint chair log.
14 And I said, "It's here on the desk."

15 And he asked me, "Did you put the time
16 that you found him on there?"

17 And I told him "No."

18 And he said, "Make sure you put that time
19 on there." If that's what they're referring to,
20 that's what I put on there, just at 1:30. And that
21 was by Colonel Gilberg telling me to put, place that
22 time on there.

23 Q. So when was the 1:30 then put on that
24 form?

25 A. When I was instructed to by

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1 Colonel Gilberg.

2 Q. Okay. When was that in actual time?

3 A. Probably about 135. Maybe it could have
4 been about 135.

5 Q. So you got there in five minutes?

6 A. No.

7 Q. Is it Gilberg or --

8 A. Gilberg.

9 Q. Gilberg.

10 A. Yes. It was placed on there when he came
11 in and saw the restraint chair log and asked me about
12 it. So it could have been like, it could have been
13 like 1:50. I don't know. However long it took for
14 him to get there.

15 Q. Okay. Because he came only after Matthew
16 passed; right?

17 A. Correct.

18 Q. And tell me about his conversation with
19 you.

20 A. He came in. He walked to the desk. And
21 the first thing he wanted was the restraint chair
22 log, that I can recall. And when he asked for the
23 log, he looked at the log and then he said, "Did you
24 put the last check on there?"

25 And I said, "No, I didn't. No, I

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1 haven't."

2 And he said, "Make sure that gets put on
3 there."

4 Q. And did you ever have any conversations
5 with these other people who you spoke to like Vinson
6 and anyone, Capers? Since right after you found out
7 that Matthew passed, did you have any conversations
8 with Vinson or Capers and asked them any other
9 questions about the information regarding their
10 checking on him? Do you understand what I'm saying?

11 A. No.

12 Q. So supposedly, from your testimony, Capers
13 and/or Vinson on a couple occasions came up and said
14 "he's okay." Is that --

15 A. Correct.

16 Q. -- pretty much accurate? You took that to
17 be the basis for your filling out this log?

18 A. Correct.

19 Q. Right? Then he passes away and it's 1:30
20 or 2:00 in the morning or whatever. Did you ever
21 have a conversation with Vinson or with Capers or
22 anybody else to try and document whether or not those
23 checks were actually done and what was looked at
24 into?

25 A. No.

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1 Q. Why not?

2 A. Because Vinson was getting prepared to go
3 out because -- so he can go get his injuries taken
4 care of. And I was doing my -- I was trying to get
5 back to my normal duties, that is, taking care of the
6 paperwork procedures.

7 MR. PHILLIPS: I think he means after the
8 fact.

9 THE WITNESS: After?

10 Q. (By Mr. O'Mara) Yeah, any time afterwards.
11 At about 1:30 or 1:35, maybe 1 -- well, more like
12 about quarter of, 10 minutes till 2:00, Matthew's
13 called as having passed away; right? EMTs get there
14 about 20 minutes later and it's done; right?

15 A. All right.

16 Q. And he's dead.

17 A. Okay.

18 Q. At that point you realized an inmate just
19 died and we have a restraint chair log that suggests
20 he's been checked every 15 minutes; correct?

21 A. Correct.

22 Q. You understand that's what's happening;
23 right? Do you have an awareness of that as you're
24 now dealing with the fact that an inmate just died on
25 your watch?

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1 A. Realizing that he had just passed, my
2 thoughts were -- and then when the lieutenant came,
3 you know, we were securing the area because we knew
4 that the next step was going to be the investigation
5 part. So I didn't have any conversations with anyone
6 else.

7 Q. So you didn't call Capers or talk to him?
8 MR. PHILLIPS: Just answer.

9 A. No.

10 Q. (By Mr. O'Mara) Same thing with Vinson?

11 A. Vinson had already -- he wasn't in the
12 area. He had already left and went to the hospital.

13 Q. Did you call him --

14 A. No.

15 Q. -- or text him?

16 A. No. I didn't have his personal
17 information.

18 Q. Never reached out to try and find out how
19 somebody who seemed to have been checked, or at least
20 you wrote down that he was, how it could have
21 happened that these checks turned out to just lead to
22 his death?

23 MR. PERKINS: Object to form.

24 Q. (By Mr. O'Mara) You know what I'm saying?

25 A. No.

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1 Q. I mean, you're writing down a log saying
2 he's been checked every 15 minutes; right?

3 A. Yeah.

4 Q. And it's your initials on it; correct?

5 A. Yeah.

6 Q. So when he passes, do you ever go back to
7 the guys who told you he was okay and ask them
8 anything more about it?

9 A. No.

10 Q. Never?

11 A. Not that I can recall.

12 Q. Well, I mean --

13 A. I mean, everything started happening so
14 fast. I mean, you know, once he passed away, then
15 everyone started coming in and no one really asked me
16 any questions and I really didn't ask any questions.

17 Q. Was the silence about talking to this with
18 other corrections officers intentional?

19 A. No.

20 Q. But, yet, you never talked to Capers about
21 it?

22 MR. WITHERS: Object. Asked and answered.

23 MR. PERKINS: Join.

24 MR. O'MARA: Oh, okay. But that's
25 really -- I guess you can say it, but it pretty

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1 much delays us.

2 Q. (By Mr. O'Mara) Did you ever talk to
3 Capers about it ever since?

4 A. At the, at the jail?

5 Q. Or ever.

6 MR. PHILLIPS: Any time. Any place.

7 A. After everything was -- I think we had all
8 met over at Forsyth Park.

9 Q. (By Mr. O'Mara) Okay. All right. And
10 when was that?

11 A. That was way after the incident. I think
12 everybody had gotten terminated at that point.

13 Q. All right. And what did y'all talk about?

14 A. The way he was acting, the way everything
15 was transpired. I mean --

16 Q. Just tell me as though I'm sitting there
17 listening to the conversation. Just tell me what --
18 who said what and what did you say?

19 A. Vinson and Capers were basically saying,
20 were talking about, you know, how he was acting, you
21 know.

22 Q. What were they saying?

23 A. How they, how he got the Taser. Vinson
24 was saying that, you know, if that could have been,
25 that could have been a gun, you know. He was trying

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1 to get the Taser away from Ajibade. And Mark was
2 saying -- what was Mark saying? -- I think something
3 about maybe Richardson should have just waited, or to
4 that effect.

5 Going back to the initial how it all
6 started, that Richardson should have waited. Or
7 Richardson should have let someone know that someone
8 had called and said that he had mental issues. That
9 he never passed that down to, you know, the
10 supervisor, and all this could have been prevented.

11 Q. That who didn't pass it down?

12 A. Private Richardson didn't pass it down to
13 the supervisor that he received a call from someone
14 on the outside, from Matthew's family or somebody on
15 the outside saying that he had problems.

16 Q. Okay. Was that the first time that you
17 heard that?

18 A. Heard that call?

19 Q. That someone outside had called in? Are
20 I'm just curious. Maybe you've heard about it before
21 then. But --

22 A. I wasn't at the facility when I heard
23 about it. But it was just -- I believe Mark had told
24 me about it, but that was after the fact.

25 Q. So did you ask Mark Capers or Vinson, so

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1 what did you guys see when you checked in or did you
2 check in or why did you tell me you checked in, or
3 anything like that?

4 A. No. When Vinson said that -- when Vinson
5 and Capers went in and checked, they said he was
6 okay. I mean, he looked all right. And Mark's words
7 was "Dude is okay."

8 Q. When he talked to you at the jail --

9 A. Correct.

10 Q. -- I'm just curious now. Afterwards you
11 meet at Forsyth Park or anywhere else. Did you have
12 to have any more conversations with him about that?

13 A. About the checks?

14 Q. About the checks, yeah.

15 A. No.

16 Q. Okay. There was a statement, followup
17 statement by the sheriff's office. I'm sorry. I
18 wasn't sure that I was going to submit this, but I'm
19 going to identify this as PA 805. But I don't have
20 copies for everybody. But it is an addendum I'm
21 going to show you in just a second. I think I want
22 you to have you identify it and then I have a
23 question about it.

24 MR. WITTS: Would you identify the exhibit
25 again, Mark?

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1 MR. O'MARA: Yeah. It is PA-805. It is
2 one, I'm sorry, a 1/5/2015 handwritten
3 statement, identified at the top by employee's
4 statement of incident. Can I just mark this if
5 you have one.

6 (Defendant's Exhibit 1 was marked for
7 identification.)

8 Q. (By Mr. O'Mara) What I identify as
9 Plaintiff's Exhibit Evans 1. First of all, can you
10 identify that for me?

11 A. It's an employee statement of incident.

12 Q. Okay. And is that your handwriting?

13 A. Yes.

14 Q. Okay. And do you initial and sign on the
15 bottom?

16 A. The signature at the bottom, yes.

17 Q. Is that yours?

18 A. Yes.

19 Q. And the date of it?

20 A. 01/05/2015.

21 Q. Okay. That's a few days after the event?

22 A. Yes.

23 Q. And do you recall sending this statement
24 out?

25 A. Yes.

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1 Q. Do you recall what led you to filling that
2 statement out?

3 A. When I went to internal affairs, I was
4 called to come back in.

5 Q. Okay. And that was a second interview
6 where they wanted to clear up some issues with you;
7 is that correct?

8 A. Correct.

9 Q. About the restraint log?

10 A. Correct.

11 Q. Let me just show you, if I might, what
12 I've identified here. And, first, I guess start
13 here. I'm not limiting -- read the whole thing if
14 you want. But from where it says, "From the time he
15 was placed," if you'd just read that out loud so that
16 everybody hears it if they don't have it in front of
17 them.

18 A. "From the time, from the time he was
19 placed into the, into the chair approximately at
20 2345, I believe he was physically checked by staff
21 and nurse."

22 Q. And keep reading.

23 A. "The times after that were times he wasn't
24 physically checked by anyone."

25 Q. What did you mean by you thought he was

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1 checked, especially after 11:45, but he was not
2 physically checked by anyone after that?

3 A. When I say "physically," I'm speaking of,
4 as you stated, the nurse going in and physically
5 putting hands on, checking the hands and leg
6 restraints and physically checking him. Because what
7 they did was a visual check.

8 Q. Okay.

9 A. And that's been the practice, visual
10 check.

11 Q. When you say it's been a practice, a
12 practice at the jail?

13 A. Yes.

14 Q. Even when the checks are supposed to be
15 physical? Is that what you mean? When you say it's
16 a practice, what do you mean by that?

17 A. That means that when someone was placed in
18 a, be it -- I'm not going to say restraint chair,
19 because like I say, I didn't have that many
20 situations where I knew the restraint chair. But the
21 leg and hand restraints, you could do a visual check
22 to make sure that the individual was okay.

23 Q. Okay. And was it your understanding that
24 was what was supposed to happen on both regular
25 restraint checks and restraint chair --

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1 A. Yes.

2 Q. -- checks?

3 A. Yes.

4 Q. And what was the practice at the jail?

5 A. The visual checks.

6 Q. Rather than physical checks?

7 A. Correct.

8 Q. And how do you know that?

9 A. Practice through -- from when I arrived
10 there.

11 Q. For the past 15 years?

12 A. Right. Until they revamped the policies
13 or revised the policies.

14 Q. And tell me about that.

15 A. Tell you what, sir.

16 Q. Tell me what you know about the revamped
17 policy and how that changed things?

18 A. It changed things where I guess they'd
19 have to go physically check when an individual is in
20 a restraint chair.

21 Q. Okay. So what you're talking about is
22 when they came out with a new restraint policy that
23 said --

24 A. A nurse will go in and check.

25 Q. And it must be a physical check?

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1 A. (Nods head affirmatively.)

2 Q. But you acknowledge that the requirements
3 for physical check even existed before the change;
4 right?

5 A. Correct.

6 Q. It just wasn't being followed?

7 A. Again, I'm not sure if it was being
8 followed or not, because I myself having to do that.
9 I wasn't aware of that.

10 Q. Okay. What are the detox cells supposed
11 to be used for?

12 A. Arrestees that come in and they are
13 intoxicated.

14 Q. Okay. Any other purpose?

15 A. My understanding is intoxicated. Again,
16 working in R and D was new for me. I had only been
17 up there about maybe months.

18 Q. Okay.

19 A. So R and D was new for me. So I was
20 learning the procedures, working in R and D still,
21 even though I was a supervisor, I still had to learn
22 that area.

23 Q. Are the detox cells in your awareness or
24 knowledge also used for mental health patients to
25 keep observation on them?

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1 A. Since my time being in R and D, they've
2 only used them for arrestees that came in that were
3 intoxicated because there was no beds in there.

4 That's why it was low to the ground so that, you
5 know, if they became sick, you know, the drain was
6 there. They could throw up there and do whatever.

7 Q. Okay. And the detox cells are also in the
8 view of the nurse's office; right?

9 A. Correct.

10 Q. And knowing now what you know about
11 Mr. Ajibade's concerns, would you have used the detox
12 cell to try and keep better eye on him or would you
13 have left him where he was?

14 A. The cell that he was in could have been,
15 would have been sufficient because you can see him.
16 It was glass as well. I mean, you could see in there
17 pretty well.

18 Q. Tell me -- describe the detox cells. And
19 when you say it was glass as well, describe first the
20 detox cells and how much glass is on them.

21 A. Well, the detox cell is, it's clear. You
22 can see in there. You have good vision, visual, to
23 see the detainee in there. But the detox cells
24 doesn't have like a bench or a bed for them to lay
25 on. It's just a cement slab. And it's low to the,

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1 low to the floor. And it has, you know, the drain
2 there.

3 Whereas the regular cells have a bed. I
4 mean, well, a metal bed.

5 Q. Okay. I just want to clear something up.
6 When you first saw Matthew, he was in a holding cell;
7 correct?

8 A. Correct.

9 Q. And I think, but I think it was holding
10 cell No. 6. But as you walk in from the Sally port,
11 it's off to the right; is that accurate?

12 A. Correct.

13 Q. That's the first place you saw him?

14 A. Right.

15 Q. And then you also knew he was moved out
16 over to the booking area to get processed; correct?

17 A. Correct.

18 Q. From that area, where do you identify the
19 detox cells as being?

20 A. Adjacent, well, not really adjacent, but
21 catty-corner maybe.

22 Q. Yeah. The detox cells, if you're walking
23 back towards the sergeant --

24 A. The sergeant.

25 Q. -- they're on your?

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1 A. In that corner.

2 Q. Which side?

3 A. On the right side. Well, on the left side
4 coming up to the sergeant's desk, but leaving the
5 sergeant's desk, they was on the right side?

6 Q. If I come into the Sally port and I'm
7 heading to the sergeant's desk, which side?

8 A. The left side.

9 Q. Okay. The detox on the left?

10 A. Correct.

11 Q. And those are the ones that have the low
12 bench?

13 A. Yeah.

14 Q. And those are the ones that are in the
15 view of the nurse's station; correct?

16 A. Yes.

17 Q. All right. Tell me about the cells then
18 where Mr. Ajibade ended up. You said that they had
19 viewing as well. What do you mean by that?

20 A. Where he ended up at?

21 Q. Yes.

22 A. That's the old -- they call that the old
23 prebooking area.

24 Q. Right.

25 A. And you can't really see into the cell.

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1 The sergeant's desk is here and the cells were like
2 right adjacent from the sergeant's desk. You can't
3 see in the cell. You have to physically get up and
4 go and look inside.

5 Q. Would you agree that makes observation
6 more difficult?

7 A. Yes.

8 Q. Did you talk to anybody about why the
9 decision or how the decision was made to put
10 Mr. Ajibade in the far right-hand cell back there?

11 A. No.

12 Q. Did you ever talk to Capers about it?

13 A. Capers mentioned to me that during the
14 incident, he was told by someone else that
15 Lieutenant Johnson supposedly have told them to put
16 him into the detox cell. Capers said that he didn't
17 hear her say that. But he was -- and this is like in
18 general conversation.

19 Q. With whom?

20 A. With me. He was telling me.

21 Q. And anybody else?

22 A. I'm sorry?

23 Q. Anybody else with you, Capers and you?
24 Was there anybody else in the conversation?

25 A. No. This was via telephone. He was -- we

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1 was talking over the phone.

2 Q. Oh, okay. So tell me again what he said
3 about the decision to move him, Ajibade, into the
4 back right-hand holding cell?

5 A. Whose decision it was?

6 Q. If you -- whatever Capers told you about
7 it.

8 A. He didn't specify who made the decision to
9 take him back in the prebooking, I mean, the old
10 prebooking area.

11 Q. Okay. I'm a couple minutes from being
12 done. So my last break. I'm just going to sit here.
13 So we'll take about a five, ten minute break, and I'm
14 going to finish up a couple questions and I am done.
15 There may be some followup questions from the other
16 side, but I'm going to be finished in a few minutes.
17 If you want to just stretch your legs one last time,
18 then I'll be finished with you.

19 THE VIDEOGRAPHER: All right. Going off
20 the video at 1701.

21 (Recess from 5:01 p.m. to 5:04 p.m.)

22 THE VIDEOGRAPHER: We're back on the video
23 at 1704.

24 Q. (By Mr. O'Mara) All right. A couple last
25 questions. You ready? Yeah. In a couple different

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1 places in discovery, it suggests that you actually
2 had a conversation with Capers early in the booking
3 process to be wary or be aware of Mr. Ajibade because
4 of the concerns you had with his behavior. Do you
5 remember that?

6 A. I didn't have a conversation with Mark.
7 That was soon after I was dressing out the females
8 when I came back. And I came up to the U area and I
9 sat down for a few minutes. And that's when I first
10 noticed Mr. Ajibade in cell 6, I believe. And when
11 he was beating on the bed and I believe I asked like
12 "What's wrong with him?" I may have said or I may
13 not have said that, but, I mean, Capers was laying
14 over the counter. And I said, "Well, I'm going to go
15 back so I can get finished with what I was doing."
16 Because Richardson was getting ready to bring him
17 out.

18 So then when Richardson went to go get
19 him, I said, well -- and I knew Richardson was doing
20 prebooking by himself. Private Burke was in the area
21 as well, but he was doing another part of the duties.
22 And so I told Mark, I told Capers, I said, "Well,
23 just stand by while they bring him out."

24 Q. And what was the behavior that you noticed
25 that gave you cause or concern to tell Capers to

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1 stand by?

2 A. Because of the way he was beating on the,
3 on the, on the bed.

4 Q. Anything else?

5 A. He didn't say anything. I didn't say
6 anything to him or I didn't -- it wasn't, if it
7 wasn't him, you know, even when detainees, you know,
8 just show, display, I guess, like maybe they want to
9 fight type of behavior, I just make sure that there
10 was another officer around.

11 Q. Okay. Any other behaviors from
12 Mr. Ajibade that concerned you?

13 A. I'm sorry.

14 Q. Any other behaviors that concerned you?

15 A. None that I recollect.

16 Q. Do you remember telling somebody that he
17 was making weird looks with his eyes or moving his
18 eyes around real strange?

19 A. I don't recall saying that.

20 Q. You never said that in the January 2nd
21 interview with the officers?

22 A. I don't recall saying it.

23 Q. Or that he was -- like he would open his
24 mouth real wide and just act weird. Any of that?

25 A. I don't recall saying that.

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1 Q. Okay. I'm just going to put up some
2 discovery that we had gotten I want you to identify
3 it, if you can. This was received -- and I'm going
4 to try and just -- tell me, can you see that?

5 A. Yes.

6 Q. All right. Identify that for me, if you
7 would.

8 A. Facebook message.

9 Q. Yes. And tell me who was the
10 communication or conversation between?

11 A. Myself and Kenny.

12 Q. When you say "Kenny"?

13 A. Jason Kenny.

14 Q. Okay. All the way down that's you and him
15 that are talking back and forth?

16 A. Correct.

17 Q. And that's your Facebook?

18 A. Yes.

19 Q. And what, what's your Facebook account
20 name? I know it's on there, but so we have it for
21 the record.

22 A. The account name is, well, it's my name
23 but my user name to log in would be DianeEE.

24 Q. Okay.

25 A. 52.

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1 Q. That's your password?

2 A. No.

3 Q. Okay. I don't need to know your password.

4 A. My screen name is Maxine Evans.

5 Q. Okay.

6 A. But when I -- my user name is DianeEE52.

7 Q. Okay. And your cell phone number?

8 A. 60 -- 912-6 -- 604-6002.

9 Q. And who's the provider?

10 A. T-Mobile.

11 Q. And that was the same one you had back
12 then; right?

13 A. Yes.

14 Q. And I know that the shift or the commander
15 is given a separate phone for use in the jail as a
16 watch commander? Maybe not even be aware of that.
17 But are you given, ever given a separate phone to use
18 for communication while in the jail as part of your
19 duties?

20 A. No. Not in that jail, no.

21 MR. O'MARA: Okay. I don't have any other
22 questions.

23 MR. PERKINS: I have a few.

24 EXAMINATION

25 BY MR. PERKINS:

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1 Q. Ms. Evans, I'm Ben Perkins. Represent
2 Debra Johnson and Andrea Evans-Martinez in this
3 matter. And I only have a few questions. I
4 apologize to you. I'm going to bounce around because
5 I'm just following through my notes as I took them to
6 seek clarification. So bear with me in that regard.

7 With regard to the, what was referred to
8 earlier as a scuffle, what, what did you observe as
9 far as the, what I would call a fight? I mean, but
10 however you would like to describe it. What did you
11 see as far as the actual physical contact Mr. Ajibade
12 made with Capers and Vinson? I'm sorry, Capers
13 others.

14 A. I didn't -- when I walked in, I saw that
15 they, they pretty much looked like they had him
16 subdued so they can get him restrained. And I saw
17 Sergeant Rowland to the right and my focus
18 immediately went to her.

19 Q. Were you present when Rowland was -- or do
20 you recall if you were there when Rowland was
21 describing what happened, how she became injured?

22 A. No.

23 Q. Okay. All right. And with regard to your
24 observations of Mr. Ajibade at that time, did you see
25 anything that caused you to think that he needed any

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1 type of specialized medical attention at that time?

2 A. Say that again.

3 Q. Sure. You know, your -- you described
4 yourself as having arrived. You devote your primary
5 attention to Rowland, but I'm guessing that you, at
6 least, looked over there to Ajibade as they were
7 trying to -- as the officers were trying to put
8 handcuffs on him and that sort of thing. Okay?

9 So when you looked over there, did you see
10 anything about him that indicated to you that, oh, he
11 needs some kind of special medical attention or
12 anything?

13 A. No.

14 Q. With regard to seeing Mr. Ajibade in his
15 cell clapping the shower shoes or doing whatever it
16 was he was doing that, I'm going to take a wild guess
17 here and assume that's probably not the first time
18 you've seen an inmate do that; is that right?

19 A. Right.

20 Q. Inmates that are alone in cells do things
21 like, do things like that, I'm guessing; is that
22 correct?

23 A. That's correct.

24 Q. Okay. When you first came on this shift,
25 did you speak with the prior corporal or whoever it

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1 was to just kind of get a lay of the land from them?

2 A. No. Sergeant Rowland spoke with
3 Corporal Broom and he briefed her as to what was
4 going on. And I believe he may have told me --
5 because I think he told me that he -- booking was
6 full and he had a lot of females that needed to be
7 dressed out. And once I got that information, that's
8 when I went to count how many that needed to be
9 dressed out to start that. Because I knew I was
10 going to be the one dressing out the females.

11 Q. I just wanted to make sure I understood
12 this. If -- was it -- were you trained that if an
13 inmate is fully restrained, meaning he is properly in
14 a restraint chair, were you trained that it would be
15 improper to tase or dry stun that inmate?

16 A. Repeat it.

17 Q. Sure. Yeah. I understand. If -- were
18 you trained by the Chatham County Sheriff's Office
19 that if an inmate is fully and properly restrained in
20 a restraint chair, that it would be improper to tase
21 or dry stun him?

22 A. Yes.

23 Q. You were not present in the women's
24 holding area when Mr. Ajibade was being placed in the
25 restraint chair; is that correct?

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1 A. That's correct.

2 Q. So then you don't know whether or not
3 Debra Johnson was present when Mr. Ajibade was tased
4 or dry stunned; is that correct?

5 A. That's correct.

6 Q. There were a number of questions that were
7 asked about information not getting to certain
8 people. Do you remember those questions that were
9 asked earlier?

10 A. Yes.

11 Q. Okay. It, it, it was pretty general and
12 so I wanted to try and make sure I have an
13 understanding. So in this case, just as an example,
14 we understand -- I think that you understood from
15 talking to Capers in Forsyth Park that Mr. Richardson
16 was given some information that Mr. Ajibade was a
17 possible mental health issue; is that right?

18 A. Correct.

19 Q. Okay. And it's also your understanding, I
20 gather, that Richardson didn't pass that information
21 onto others; is that right?

22 A. Correct.

23 Q. Okay. And so was that an example of
24 somebody not providing information to others that you
25 were talking about?

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1 A. Yes.

2 Q. Okay. This -- that, that sounds like to
3 me is either a mistake or something of that nature on
4 Richardson's part. Was that your interpretation of
5 that?

6 A. Yes.

7 MR. O'MARA: Object to the form.

8 Q. (By Mr. Perkins) As to any other times
9 that happens in your 15-year career, can you look
10 back on any of those instances and think of one where
11 it was anything other than just a mistake on the part
12 of an officer of not providing some information?

13 A. Not that I can recall offhand.

14 Q. Okay. And I guess I'm going to ask this a
15 better way. This is a better way to ask you.

16 A. Okay.

17 Q. Were y'all trained to provide pertinent
18 information to your superiors and your -- and the
19 people that are under you?

20 A. Yes.

21 Q. Okay. You indicated in response to one of
22 Mr. O'Mara's questions that you believe that
23 Mr. Ajibade had a mental health issue. Do you recall
24 that testimony?

25 A. Say it again.

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1 Q. Yes. You told Mr. O'Mara that you
2 believed that Mr. Ajibade was suffering from a mental
3 health issue during his time at the jail. Do you
4 remember that? Do you remember saying that?

5 A. That I believed he --

6 Q. That you currently do believe that
7 Mr. Ajibade had a mental health issue.

8 A. After everything's transpired, yeah, now.

9 Q. Okay. And my question is: Is that based
10 on media coverage and things that you've learned
11 after the incident occurred?

12 A. Correct.

13 Q. Okay. You were seen in a video checking
14 on Mr. Ajibade after he had been placed in the chair.
15 And I wanted you to tell us what did you -- first of
16 all, what was the reason that you did that? Why were
17 you looking on the cell?

18 A. Because that's -- when they're placed in
19 the chair you're supposed to do a visual check.

20 Q. Okay. And a visual check entails looking
21 to see if his chest is rising and he's breathing?

22 A. And falling, correct.

23 Q. And did you see that?

24 A. Yes.

25 Q. Okay. Do you recall anything else about

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1 that as far as whether Mr. Ajibade was breathing
2 heavily or, or still struggling or anything like
3 that?

4 A. No.

5 Q. Okay. So he was just -- your observation,
6 what you recall is he was breathing? You saw his
7 chest rising and falling?

8 A. When I walked -- when I went up to the
9 window and I looked down on him and I made sure that
10 I could see him, the rise and fall of his stomach
11 moving.

12 Q. With regard to the, that restraint chair
13 log that was prepared and that you discussed earlier
14 today, I know you said that you printed it off of the
15 Share Point computer program. Do you recall one way
16 or another whether Lieutenant Johnson asked you to
17 print it out and prepare it?

18 A. No.

19 Q. Okay.

20 MR. PHILLIPS: You don't recall or she
21 didn't?

22 A. Oh, I don't recall. But because, again,
23 because I was the supervisor, it was my area, I just
24 went on and generated the, the log.

25 Q. (By Mr. Perkins) Thank you. I appreciate

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1 it. Okay. I wanted to ask you some questions about
2 written policy, and that pertains to the 15-minute
3 checks. Okay? I understood you, I think, to tell
4 Mr. O'Mara that you understood that even when this
5 event occurred with Mr. Ajibade, that you understood
6 that the policy required a physical check as opposed
7 to a visual check?

8 A. Visual check.

9 Q. Okay. All right. Okay. I'm going to
10 show you what has previously been marked as Exhibit
11 5E -- no. I'm sorry. What is that? Is that 5E1?

12 MR. CASH: That's J2B.

13 MR. PERKINS: J2B.

14 MR. CASH: J2B.

15 Q. (By Mr. Perkins) Okay. I'm going to hand
16 you what has been marked as Exhibit J2B, and that is
17 policy No. March 15 -- I'm sorry. I said that wrong.
18 I'm going to hand you what's been identified as
19 policy No. 03/15/09. Ms. Evans, can you tell us what
20 is the subject of that policy?

21 A. The subject is use of restraint chair.

22 Q. Okay. Thank you. And then can you read
23 item D on the first page of that, please, out loud?

24 A. "The officer will conduct subsequent
25 visual observations every 15 minutes of the

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1 restraint, the restrained inmate."

2 Q. Thank you. So is that -- and that's
3 consistent what you're saying that a visual check
4 would be conducted every 15 minutes; right?

5 A. Right.

6 Q. Thank you. And then now turn to the
7 second page of that same policy number, and could you
8 read out what, what has been highlighted there as
9 item E.

10 A. Medical personnel must check the inmate at
11 a minimum of every two hours.

12 Q. Thank you. And, Ms. Evans, is that
13 consistent with your understanding that the way that
14 it would work is that an inmate is to be, after he's
15 put in the restraint chair, he is to be -- have his
16 restraints checked by the nurse shortly after he's
17 put in the chair; is that right?

18 A. Yes.

19 Q. Okay. And then for the next, for every 15
20 minutes over the next two hours, he needs to get a
21 visual check by jail staff; is that right?

22 A. Correct.

23 Q. And then once you hit that two-hour mark,
24 then the nurse would need to come back; is that
25 right?

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1 A. Correct.

2 Q. Okay. Mr. O'Mara asked you to read from
3 your January 5, 2015, statement. And one of the
4 things that was written in that statement was you
5 wrote that -- you wrote, towards the middle there,
6 you wrote "the times after that were times he wasn't
7 physically checked by anyone." You see where you
8 wrote that?

9 A. Right.

10 Q. Am I correct in understanding you do know
11 that, you do understand that he was visually checked
12 several times after Nurse Brown did the initial
13 restraint check?

14 A. Visually checked.

15 Q. Okay. And you understand -- you'll defer
16 to the video. The video shows what it shows as far
17 as when those checks occurred; right?

18 A. Correct.

19 MR. PERKINS: All right. That's all I
20 have. Thank you.

21 MR. WITHERS: Let me borrow those. I'm
22 going to belabor these a little bit.

23 MR. PERKINS: You better. Kind of hard to
24 carry it with you.

25 MR. WITHERS: Well, we'll see if I can

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1 speak loud enough. Dave, can you hear me okay?

2 THE VIDEOGRAPHER: Yeah.

3 EXAMINATION

4 BY MR. WITHERS:

5 Q. Ms. Evans, I just want to cover a couple
6 of other of the policies that dealt with the
7 restraint chair check by both security staff and
8 medical staff. Okay?

9 A. Okay.

10 Q. I'm going to hand you what's been marked
11 or show you what's been marked -- I'm going to have
12 to -- I'm going to have to ask counsel.

13 MR. CASH: What tab letter is it under?

14 The whole book.

15 MR. WITHERS: It's under E.

16 MR. CASH: So it's J2E.

17 Q. (By Mr. Withers) I'm going to hand you
18 what's been marked as Joint Exhibit J2E.

19 MR. WITHERS: Did you use 2E just a minute
20 ago?

21 MR. PERKINS: I used the one 3/15/09.

22 MR. CASH: You used 2B.

23 Q. (By Mr. Withers) Okay. Sorry. I'm going
24 to show you what's been marked 2E and ask you does
25 that identify the subject as use of restraints?

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1 A. Yes.

2 Q. And it talks about the policy with respect
3 to the clinical use of restraints, does it not?

4 A. Yes.

5 Q. Right here?

6 A. Yes.

7 Q. And then it talks about, under paragraph
8 procedure, paragraph B2E, it talks about restraint
9 chairs; correct?

10 A. Yes.

11 Q. And then if you flip back a couple of
12 pages, on page 3 of that, paragraph 11, it says,
13 "Restrained inmates must be directly observed by
14 security staff a minimum of every 15 minutes";
15 correct?

16 A. Yes.

17 Q. That's security staff; true?

18 A. True.

19 Q. "And will be evaluated by the medical
20 staff at least every two hours"; correct?

21 A. Correct.

22 Q. And then turning to F, under tab F, this
23 speaks to the policy dealing with the use of
24 restraints on mental health inmates; correct?

25 A. Correct.

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1 Q. And it -- under paragraph, under procedure
2 2BE, it says, "Using restraint chairs"; true?

3 A. True.

4 Q. And then page 2, paragraph 9, it says,
5 "The medical staff will check the application of
6 restraints to ensure that the restraints are secure";
7 correct?

8 A. Correct.

9 Q. And are not injuring the inmate; true?

10 A. True.

11 Q. And that was your experience. In your
12 limited dealing with restraint chairs, your
13 experience was that the medical staff would come in
14 and check the restraints, both the handcuffs and the
15 leg irons; correct?

16 A. Right.

17 MR. O'MARA: Object to the form. Be a bit
18 careful in just leading and testifying. It's
19 supposed to be her testimony, not yours.

20 MR. WITHERS: Yeah.

21 Q. (By Mr. Withers) And that was, that was
22 based on your experience, what you would observe with
23 respect to the medical staff; true?

24 A. True.

25 Q. In paragraph 11, page 3 of that same

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1 policy, speaks to restrained inmates again, does it
2 not?

3 A. Yes.

4 Q. And it provides that security staff will
5 observe the inmate every 15 minutes; correct?

6 A. Correct.

7 Q. And medical staff at least every two
8 hours; correct?

9 A. Correct.

10 Q. Your earlier -- when was the last time,
11 Ms. Evans, that -- and I'm just going to stand here
12 if you can pick me up okay. When was the last time
13 that you had reviewed those policies before today's
14 date, Ms. Evans?

15 A. When the last time I actually read the
16 policies pertaining to the restraint chair?

17 Q. Yes, ma'am.

18 A. When I got them, when I got them and
19 presented them to my attorney.

20 Q. Okay. Some months ago, if not over a year
21 ago?

22 A. Right.

23 Q. And you would certainly defer today to
24 what is contained in the written policy versus your
25 recollection; is that fair to say?

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1 A. Say that again, please.

2 Q. You would defer to what the written policy
3 says as opposed to what your recollection might be;
4 is that fair?

5 A. Correct.

6 Q. Give me one second. And just so I am
7 clear, you generated the Share Point log and printed
8 it out; is that right?

9 A. Yes.

10 Q. And then after you printed it out --
11 that's around the 11:45 p.m. hour; is that right?

12 A. Yes.

13 Q. After you printed it out, then you
14 presented it to Nurse Brown?

15 A. Yes.

16 Q. And he signed it that initial time;
17 correct?

18 A. Yes.

19 MR. WITHERS: All right. I think that's
20 all I've got. Thank you, ma'am.

21 MR. PERKINS: Do you have any?

22 MR. HART: No.

23 EXAMINATION

24 BY MR. O'MARA:

25 Q. Just very brief followup. So the

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1 15-minute minimum, that visual check, that's for
2 someone who's restrained; right? Correct?

3 A. Correct.

4 Q. Okay. But I think you testified, I just
5 want to be clear, that if you had known somebody had
6 been tased, then you probably would have suggested
7 more medical attention be given; correct?

8 A. If I knew that he had been tased?

9 Q. Yes.

10 A. And the nurse was on -- right there?

11 Q. Yes.

12 A. Then, yes, the nurse, he would have
13 been -- I would have asked the nurse did he or she
14 check him after being tased.

15 Q. And you would have paid even better
16 attention to Mr. Ajibade had you known he had been
17 tased four times; correct?

18 A. Oh, yes.

19 Q. Correct?

20 A. Yes.

21 Q. And if you had known he had been kicked in
22 the head, would you have been even more aware that
23 the medical condition that could have caused and
24 watched him even closer?

25 A. Yes.

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1 Q. And you didn't have that information
2 available to you; right?

3 A. No.

4 Q. So even the 15-minute minimum, that's just
5 someone who's just simply retrained; right?

6 A. Yes.

7 Q. Okay. But if you know that he was punched
8 in the face, would you have also made sure that he
9 was focused on more by you and your support staff
10 because of that potential injury?

11 A. Yes.

12 Q. None of which was done because none of
13 that information was communicated to you; correct?

14 A. Correct.

15 Q. By any of the multitude of jail officers
16 who were there and aware of it; correct?

17 A. Correct.

18 MR. O'MARA: Nothing further.

19 EXAMINATION

20 BY MR. PERKINS:

21 Q. Ms. Evans, have you ever been present when
22 a nurse checks an inmate after being tased?

23 A. No.

24 Q. No? How about after an inmate's been dry
25 stunned?

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1 A. No.

2 MR. PERKINS: Okay.

3 EXAMINATION

4 BY MR. O'MARA:

5 Q. Just to be really clear, is it just the
6 policies and procedures at the Chatham County jail to
7 not even check, medical check an inmate who's tased?

8 A. I'm sorry. Say that again.

9 Q. Is it just the policy and procedure at the
10 Chatham County jail that they don't even have medical
11 check an inmate who's been tased?

12 A. Is that written in policy and procedure?

13 Q. No. Your experience. So when an inmate
14 gets tased, is it the policy and procedure of the
15 jail that they don't even have them checked?

16 A. I've yet to see an inmate, me visibly see
17 an inmate get tased.

18 Q. Okay.

19 A. I haven't seen that.

20 Q. But have you heard in yours 50 years -- 15
21 years' experience that if an inmate gets tased, they
22 don't even bother checking them medically?

23 A. No.

24 Q. How about if you get punched in the face?
25 Is it your knowledge that that doesn't even require

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1 medical to be checked, to check them?

2 A. If an inmate receives injuries during a
3 scuffle, the nurse checks them.

4 Q. Okay. But, seemingly, but in response to
5 the question by Mr. Perkins, does it actually happen?

6 A. It may happen but I haven't been there to
7 see it happen. I mean, I haven't been on scene to
8 see that happen.

9 MR. O'MARA: Okay. Nothing further,
10 unless you want to have one last shot. I think
11 we're done.

12 THE VIDEOGRAPHER: Okay. That's the
13 conclusion of the deposition of Maxine Evans.

14 We are off the video at 1731.

15 (Deposition concluded at 5:31 p.m.)

16 (Pursuant to Rule 30(e) of
17 the Federal Rules of Civil Procedure and/or O.C.G.A.
18 9-11-30(e), signature of the witness has been
19 reserved.)

20

21

22

23

24

25

Maxine Evans

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1 CERTIFICATE OF COURT REPORTER

2

3 STATE OF GEORGIA:

4 COUNTY OF CHATHAM:

5

6 I hereby certify that the
7 foregoing transcript was reported as stated in the
8 caption and the questions and answers thereto were
9 reduced to writing by me; that the foregoing 165
10 pages represent a true, correct, and complete
11 transcript of the evidence given on Monday,
12 September 19, 2016, by the witness, MAXINE EVANS, who
13 was first duly sworn by me.

10

11 I certify that I am not
12 disqualified
13 for a relationship of interest under
14 O.C.G.A. 9-11-28(c); I am a Georgia Certified Court
15 Reporter here as an employee of Gilbert & Jones, Inc.
16 who was contacted by Golkow Technologies to provide
17 court reporting services for the proceedings; I will
18 not be taking these proceedings under any contract
19 that is prohibited by O.C.G.A. 15-14-37(a) and (b) or
20 Article 7.C. of the Rules and Regulations of the
21 Board; and by the attached disclosure form I confirm
22 that neither I nor Gilbert & Jones, Inc. are a party
23 to a contract prohibited by O.C.G.A. 15-14-37(a) and
24 (b) or Article 7.C. of the Rules and Regulations of
25 the Board.

18

19 This 25th day of
20 September, 2016.

20

21

22

23

24 _____
Annette Pacheco, CCR-B-2153

25

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1 DEPOSITION OF: MAXINE EVANS/AP

2 I do hereby certify that I have read all
 3 questions propounded to me and all answers given by
 me on September 19, 2016, taken before Annette
 Pacheco, and that:

4

1) There are no changes noted.

5

2) The following changes are noted:

6 Pursuant to Rule 30(e) of the Federal Rules of
 Civil Procedure and/or the Official Code of Georgia
 7 Annotated 9-11-30(e), both of which read in part:
 Any changes in form or substance which you desire to
 8 make shall be entered upon the deposition...with a
 statement of the reasons given...for making them.
 9 Accordingly, to assist you in effecting corrections,
 please use the form below:

10

11 Page No. Line No. should read:

12 Reason for Change_____

13 Page No. Line No. should read:

14 Reason for Change_____

15 Page No. Line No. should read:

16 Reason for Change_____

17 Page No. Line No. should read:

18 Reason for Change_____

19 Page No. Line No. should read:

20 Reason for Change_____

21 Page No. Line No. should read:

22 Reason for Change_____

23 Page No. Line No. should read:

24 Reason for Change_____

25

Maxine Evans

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1 DEPOSITION OF: MAXINE EVANS/AP

2 Page No. Line No. should read:

3 Reason for Change_____

4 Page No. Line No. should read:

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12 Page No. Line No. should read:

13 Reason for Change_____

14 Page No. Line No. should read:

15 Reason for Change_____

16 Page No. Line No. should read:

17 Reason for Change_____

18
19 If supplemental or additional pages are necessary,
20 please furnish same in typewriting annexed to this
21 deposition.

22
23 MAXINE EVANS

24 Sworn to and subscribed before me,

25 This the day of , 20 .

Notary Public

My commission expires:

Maxine Evans

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1 DISCLOSURE OF NO CONTRACT

2 I, Debbie Gilbert, do
3 hereby disclose pursuant to Article 10.B of the Rules
4 and Regulations of the Board of Court Reporting of
5 the Judicial Council of Georgia that Gilbert & Jones,
6 Inc. was contacted by Golkow Technologies to provide
7 court reporting services for these proceedings and
8 there is no contract that is prohibited by O.C.G.A.
9 15-14-37(a) and (b) or Article 7.C. of the Rules and
10 Regulations of the Board for the taking of these
11 proceedings.

12 There is no contract to
13 provide reporting services between Gilbert & Jones,
14 Inc. or any person with whom Gilbert & Jones, Inc.
15 has a principal and agency relationship nor any
16 attorney at law in this action, party to this action,
17 party having a financial interest in this action, or
18 agent for an attorney at law in this action, party to
19 this action, or party having a financial interest in
20 this action. Any and all financial arrangements
21 beyond our usual and customary rates have been
22 disclosed and offered to all parties.

23 This 25th day of
24 September, 2016.

25 _____
Debbie Gilbert, FIRM
REPRESENTATIVE
Gilbert & Jones, Inc.

Maxine Evans

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DISCLOSURE OF NO CONTRACT

I,
_____, do hereby disclose pursuant
to Article 10.B of the Rules and Regulations of the
Board of Court Reporting of the Judicial Council of
Georgia that _____ was contacted by
_____ to provide court reporting
services for these proceedings and there is no
contract that is prohibited by O.C.G.A. 15-14-37(a)
and (b) or Article 7.C. of the Rules and Regulations
of the Board for the taking of these proceedings.

There is no contract to
provide reporting services between _____
or any person with whom _____ has
a principal and agency relationship nor any attorney
at law in this action, party to this action, party
having a financial interest in this action, or agent
for an attorney at law in this action, party to this
action, or party having a financial interest in this
action. Any and all financial arrangements beyond
our usual and customary rates have been disclosed and
offered to all parties.

This _____ day of
_____, 2016.

/s/
FIRM REPRESENTATIVE
REFERRING FIRM